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July 7, 2005

VIA FAX – (601) 352-7757
and REGULAR MAIL
Ms. Betty Mallett
Mr. Rusty Fortenberry
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar Street
Jackson, MS 39201

COPY

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Ms. Mallett and Mr. Fortenberry:

I understand that you plan to supplement your document production to Plaintiffs with additional responsive documents to Plaintiffs' First Request for Production of Documents on or before July 14, 2005. Please be sure to include in this supplemental production the following documents identified by Defendants' employees at depositions.

Document Request No. 2: All written policies, procedures and directives in your possession, custody or control, issued by DFCS at the state and regional level and in effect as of March 30, 2004, or thereafter, that relate to protecting and providing services to children in DHS custody, including but not limited to such policies, procedures and directives....

In response to this request Defendants produced the DFCS Policy and Procedures Manual. Gail Young, however, testified at her June 15, 2005 deposition to the existence of a Policy Bulletin dealing primarily with the length of stay in shelters that was sent around September 2004 to Regional Directors, Area Social Worker Supervisors, and Social Workers. [Young Dep., at 110:2 – 112:4.] Ms. Young further testified to the existence of at least one other version of the Policy Bulletin. [Young Dep., at 115:21 – 116:14.] Please provide all Policy Bulletins updating DFCS policy.

Document Request No. 6: All documents in your possession, custody or control regarding the progress in achieving full MACWIS integration into county casework such as described on page 22 of the Self Assessment.

In response to this request Defendants produced, *inter alia*, the MACWIS Technical Workplan for Changes and Enhancements covering November 2004 – January 2005. In addition, however, Nancy Meadors testified at her May 2005 deposition that Cheryl Joiner and MIS Director Bud Douglas developed a "MACWIS Work Plan." [Meadors Dep., at 21:7-22:22.] Please produce this additional responsive document.

Document Request No. 7: All regular or ad hoc management reports in your possession, custody or control, generated by MACWIS including but not limited to....

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In response to this request Defendants produced several reports regarding children in DHS custody. In addition, however, Robert Hamrick testified at his June 20, 2005 deposition that he receives "Children in Custody with Conference Dates More than Six Months," reports as part of his foster care review oversight. [Hamrick Dep., at 52:11-53:22.] Please produce this responsive document.

Document Request No. 8: All internal and external assessments, audits, evaluations or reviews of DFCS operations and practice in your possession, custody or control, including but not limited to documents generated by the Quality Improvement Unit, 6-month reviews, Peer reviews, Program Integrity Unit Reviews and all documents regarding any response, corrective action or "action plan" requested or undertaken in relation to those assessments, audits, evaluations and reviews.

In response to this request Defendants produced several periodic reports on DFCS operations. In addition, however, Robert Hamrick testified at his June 20, 2005 deposition that he and a team of reviewers and a consultant developed a Foster Care Reviewer Quality Assurance Sample Case Review that was originally intended for the Child and Family Services Review but was never used for that purpose. Mr. Hamrick stated that from these reviews, Quarterly Reports were compiled and forwarded to Senior Management and Directors within DFCS, and that these reports include data on safety, permanency, and well-being issues facing children in care. [Hamrick Dep., at 75:17-79:17.]

Mr. Hamrick further testified at his June 20, 2005 deposition that he receives an "Itemized Issues Observed" report that provides a summary of the number of DHS cases reviewed broken down by issues identified during the course of the review. [Hamrick Dep., at 105:12-107:10.] Please produce these responsive documents.

Document Requests Nos. 21 through 23: All documents in your possession, custody or control, reflecting the turnover and vacancy rates for DFCS caseworkers, managers and supervisors; All documents in your possession, custody or control concerning DFCS caseworker caseloads, staffing to census ratios, and adequate staffing estimates, such as discussed on pages 12-15 of the Self-Assessment; and Documentation regarding staffing cutbacks, hiring freezes or temporary assignments at DFCS.

In response to these requests Defendants produced a limited number of charts and employee reports and a listing of Direct Services Cases by County. In addition, however, Mechille Henry testified at her September 9, 2004 deposition that as Regional Director for Region 6 North, she receives memoranda from her staff regarding staffing requirements. [Henry Dep., at 117:2-117:10.] Since these documents and any similar documents received by other Regional Directors are directly responsive to Document Request Nos. 21 and 22, please produce these responsive documents.

Linda Millsaps also testified at her June 2005 deposition to the existence of both a MACWIS-generated Workload Report and similar paper files referred to as "Manual Workload Reports." [Millsaps Dep., at 50:9-52:5.] These documents are responsive to Document Request Nos. 21 and 23 and should be produced.

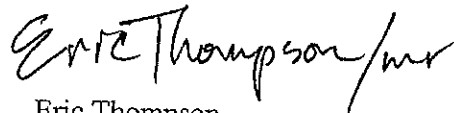
Nancy Meadors also testified in her May 2005 deposition to the existence of paper requests issued to Gloria Salters at the State Office to have workers logged in as proxies for other workers in specific counties, so that they can document their activities while temporarily assigned to particular children. [Meadors Dep., at 48:1-48:16.] These requests are directly responsive to Document Request No. 23 and should be produced.

Document Request No. 35: Any and all documents relating to child maltreatment reports, child abuse and neglect investigations, critical incident reports, child fatality reports or special reviews regarding the abuse or neglect of children in DHS custody or of children in homes or facilities where children in DHS custody reside, including facilities not licensed by DHS.

In response to this request Defendants produced a limited number of documents including a tally of children maltreated while in custody. Kathy Triplett, however, testified at her June 14, 2005 deposition that she receives reports of abuse and neglect via email, forwarded by the MIS Department. [Triplett Dep., at 31:11-33:21.] She further testified to the existence of forms filled out by the Protection Unit documenting calls received by DFCS staff regarding abuse and neglect allegations and that these forms are tracked in a "Manual Log." She further stated that the forms are kept for three years and that the Manual Log is retained by the hotline staff in the State Office. [Triplett Dep., at 31:11-33:21.] To the extent that these documents relate to children in DHS custody or in homes or facilities where children in DHS custody reside, please produce these additional responsive documents. I attach the deposition excerpts referenced herein for your convenience.

Many of these documents were specifically requested during the referenced depositions. I look forward to receiving these documents by July 14th or shortly thereafter.

Sincerely Yours,

A handwritten signature in black ink that reads "Eric Thompson" followed by a stylized flourish or "mr".

Eric Thompson
Plaintiffs' counsel

Enclosures

cc: Stephen Leech, Esq.
Wayne Drinkwater & Melody McAnally, Bradley Arant
John Lang, Loeb & Loeb

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<p>IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION</p> <p>OLIVIA Y., ET AL, Plaintiffs, V. CIVIL ACTION NO. 3:04CV251LN HALEY BARBOUR, ET AL, Defendants.</p> <p>DEPOSITION OF GAIL YOUNG</p> <p>Taken at the law offices of Bradley, Arant, Rose & White, located at One Jackson Place, 188 E. Capitol Street, Suite 450, on Wednesday, June 15, 2005, beginning at 8:33 a.m.</p> <p>REPORTED BY: SANDI L. SUAREZ, RPR, CSR #1301 State-Wide Reporters, A LegalLink Company Post Office Box 14113 (39236) 4400 Old Canton Road, Suite 160 Jackson, Mississippi 39211 Telephone: (601) 366-9676 Fax: (601) 366-9756</p> <p>Biloxi Office: 764 Water Street Biloxi, Mississippi 39530 Telephone: (228) 432-0770 Fax (228) 432-0690</p> <p>1(800)372-DEPO www.legalink.com</p>	<p>INDEX</p> <p>WITNESS: Gail Young PAGE:</p> <p>EXAMINATION BY:</p> <p>Ms. Crean 6</p> <p>EXHIBITS</p> <p>Exhibit No. 69, 10 Individual Service Plan, Bates No. NP 4560 through 4563.</p> <p>Exhibit No. 70, 12 Policy Pages From Volume IV Manual</p> <p>Exhibit No. 71, 19 Mississippi Department Of Human Services, Office Of Social Services, Custody Case Plan</p> <p>Exhibit No. 72, 42 Policy Manual Page, Bates Stamped DHS 418</p> <p>Exhibit No. 73, 50 Service Plan, Bates Stamped NP 3421 and 3422</p> <p>Exhibit No. 74, 52 From 445 Service Plan, Bates Stamped NP 3424</p> <p>Exhibit No. 75, 53 Form 446A, Case Service Plan Supplement, Bates Stamped NP 3425</p> <p>Exhibit No. 76, 74 Issues Observed During The Foster Care Review, Bates Stamped DHS 14050</p> <p>Exhibit No. 77, 81 Policy Manual Excerpts, Bates Stamped DHS 363 Through DHS 402</p>
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<p>APPEARANCES:</p> <p>TARA S. CREAN, ESQUIRE ERIC E. THOMPSON, ESQUIRE Children's Rights 404 Park Avenue South New York, New York 10016 Telephone: (212) 683-2210 ATTORNEY FOR PLAINTIFFS</p> <p>BETTY A. MALLET, ESQUIRE McGlinchey Stafford, PLLC Skytel Centre South, Suite 1100 200 South Lamar Street Jackson, Mississippi 39201 Telephone: (601) 960-8400 ATTORNEY FOR DEFENDANTS</p>	<p>INDEX (Continued):</p> <p>Exhibit No. 78, 115 Policy Manual Pages</p> <p>Stipulations 5</p> <p>Certificate of Reporter 149</p> <p>Errata Sheet 150</p>

<p style="text-align: right;">Page 5</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by and</p> <p>3 between the parties hereto, through their respective</p> <p>4 attorneys of record, that this deposition may be</p> <p>5 taken at the time and place hereinbefore set forth,</p> <p>6 by SANDI L. SUAREZ, RPR, CSR, Court Reporter and</p> <p>7 Notary Public, pursuant to the Federal Rules of</p> <p>8 Civil Procedure, as amended;</p> <p>9 That the formality of READING AND SIGNING is</p> <p>10 specifically RESERVED;</p> <p>11 That all objections, except as to the form of</p> <p>12 the questions and the responsiveness of the</p> <p>13 answers, are reserved until such time as this</p> <p>14 deposition, or any part thereof, may be used or is</p> <p>15 sought to be used in evidence.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 deposition include that you have to give answers</p> <p>2 orally so that the court reporter can take them</p> <p>3 down?</p> <p>4 A. Yes.</p> <p>5 Q. And do you agree that if there's any</p> <p>6 question that you don't understand, you can tell me,</p> <p>7 and I can rephrase it to make it clear?</p> <p>8 A. Yes.</p> <p>9 Q. And if you don't ask me to rephrase it,</p> <p>10 then is it fair for me to assume that you understand</p> <p>11 the question?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Let's begin.</p> <p>14 Ms. Young, I'm handing you a document that</p> <p>15 has been previously marked Exhibit 68. Do you</p> <p>16 recognize this document?</p> <p>17 A. Yes.</p> <p>18 Q. And this document is the 30(b)(6) notice</p> <p>19 of deposition; is that correct?</p> <p>20 A. That's what it says, yes.</p> <p>21 Q. And you understand that the division of</p> <p>22 children and family services has designated you as</p> <p>23 the person with knowledge as to all topics except</p> <p>24 for Topic 9 listed in Exhibit A?</p> <p>25 (Witness and Ms. Mallett confer.)</p>
<p style="text-align: right;">Page 6</p> <p>1 GAIL YOUNG,</p> <p>2 Having been produced and first duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MS. CREAN:</p> <p>6 Q. Ms. Triplett (sic), I'm Tara Crean, and</p> <p>7 I'm here with Eric Thompson. We're attorneys with</p> <p>8 Children's Rights. We represent the plaintiffs in</p> <p>9 the matter of Olivia Y. versus Barbour.</p> <p>10 Ms. Triplett (sic), you've taken --</p> <p>11 MS. MALLET:</p> <p>12 That's not Ms. Triplett.</p> <p>13 MS. CREAN:</p> <p>14 I'm sorry. Good morning. Ms. Young, I'm</p> <p>15 sorry.</p> <p>16 THE WITNESS:</p> <p>17 Should I go call her?</p> <p>18 BY MS. CREAN:</p> <p>19 Q. Ms. Young, you've taken the oath to tell</p> <p>20 the truth in today's testimony; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. You've given depositions before in this</p> <p>23 matter; is that correct?</p> <p>24 A. That's right.</p> <p>25 Q. You remember that the ground rules for the</p>	<p style="text-align: right;">Page 8</p> <p>1 MS. CREAN:</p> <p>2 Would you just make your statements to the</p> <p>3 witness on the record, please?</p> <p>4 MS. MALLET:</p> <p>5 No. She's my client. I'm talking to her</p> <p>6 as her attorney.</p> <p>7 MS. CREAN:</p> <p>8 The question is pending.</p> <p>9 MS. MALLET:</p> <p>10 I understand that. She's going over the</p> <p>11 list, and I'm just going over the list with her.</p> <p>12 MS. CREAN:</p> <p>13 Are you conferring with her about</p> <p>14 privileged matters?</p> <p>15 MS. MALLET:</p> <p>16 Yes.</p> <p>17 BY MS. CREAN:</p> <p>18 Q. Is there something you don't understand</p> <p>19 about what is privileged?</p> <p>20 A. I understand.</p> <p>21 Q. So you can answer the question.</p> <p>22 A. I was trying to see if there was the one</p> <p>23 about the contract still on here.</p> <p>24 MS. MALLET:</p> <p>25 You can just explain that to her.</p>

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1 THE WITNESS:
 2 Okay.
 3 BY MS. CREAN:
 4 Q. Do you have knowledge as to the topics
 5 listed in Exhibit A except for Topic No. 9?
 6 A. Yes.
 7 Q. And you mentioned something on the record
 8 about trying to explain the one about the contracts.
 9 What did you mean by that?
 10 A. Well, we do have another unit that does
 11 handle the actual contract process.
 12 Q. And which topic are you referring to in
 13 Exhibit 68?
 14 A. No. 8. No. 8.
 15 Q. Do you have knowledge as to the topic
 16 listed in No. 8?
 17 A. I have some knowledge, but the actual
 18 processing is done by another unit.
 19 Q. And what unit is that?
 20 A. That's the administration unit.
 21 Q. And who is the person who heads the
 22 administration unit?
 23 A. Theresa Jackson.
 24 Q. Does Theresa Jackson have more knowledge
 25 than you about the topic listed in number -- the

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1 topics described in No. 8 of Exhibit A to the notice
 2 of deposition?
 3 A. I think she or one of her staff members
 4 would have more knowledge about the actual
 5 processing of the contracts.
 6 Q. Is there a particular staff member that
 7 you're thinking would have more knowledge about
 8 Topic A than you?
 9 A. Janice Gresham.
 10 Q. Janice Thresham?
 11 A. Gresham, G-R-E-S-H-A-M.
 12 MS. CREAN:
 13 Will you please mark this as Exhibit
 14 No. 69.
 15 (Exhibit No. 69 was marked.)
 16 BY MS. CREAN:
 17 Q. Ms. Young, you have before you an exhibit
 18 that's been marked Exhibit 69, Bates stamped Named
 19 Plaintiffs -- or NP 4560 through 4563.
 20 This is the individual service plan for a
 21 child, is it not?
 22 A. Yes, it is.
 23 Q. And, in this case, we call our named
 24 plaintiffs by the pseudonyms they've been designated
 25 by in this case. And the pseudonym for this child

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1 is Jameson. So for purposes of the deposition, to
 2 preserve his privacy, do you agree to call him
 3 Jameson?
 4 A. Jimison?
 5 Q. Jameson.
 6 A. Jameson.
 7 (Witness and Ms. Mallett confer.)
 8 MS. CREAN:
 9 Again, I'm going to have to ask you to
 10 make your comments while the question is pending on
 11 the record.
 12 MS. MALLETT:
 13 I'm her attorney. I can counsel with her.
 14 A. I don't have personal knowledge of this
 15 particular child.
 16 BY MS. CREAN:
 17 Q. Do you recognize this form?
 18 A. I recognize that it is an individual
 19 service plan or a case plan. I usually see it in
 20 the MACWIS format.
 21 Q. Are you finished with your answer?
 22 A. Yes.
 23 Q. How long has this particular form for an
 24 individual service plan or a case plan been in use?
 25 A. Since the implementation of MACWIS.

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1 Q. Which was in 2001?
 2 A. I think it was around October of 2001.
 3 Q. Does the division retain hard copies of
 4 this form that's filled out on MACWIS?
 5 A. I do not have knowledge of that.
 6 Q. Is this form called both an individual
 7 service plan and a custody case plan?
 8 A. Yes, it would be.
 9 Q. So, an ISP and a case plan are the same
 10 thing?
 11 A. A child's ISP, yes. A custody case plan
 12 would be the same thing.
 13 Q. Ms. Young, I'm going to show you a
 14 document that has been previously marked as Exhibit
 15 40. It is Bates stamp DHS 430 through 433.
 16 Do you recognize this document?
 17 A. Yes, I do.
 18 Q. Do you recognize it as portions of the
 19 policy manual?
 20 A. Yes, it is.
 21 MS. CREAN:
 22 Would you please mark this as 70.
 23 (Exhibit No. 70 was marked.)
 24 BY MS. CREAN:
 25 Q. And do you recognize these pages?

3 (Pages 9 to 12)

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1 to monitor those.
 2 Q. And what is that MACWIS report called?
 3 A. Shelter -- children in shelter report, I
 4 guess. I'm not real sure what the name of it is.
 5 Q. And how often is that MACWIS report run?
 6 A. I don't know. I think monthly.
 7 Q. And is your testimony that they started
 8 running that MACWIS report this year, 2005?
 9 A. It's my understanding, yes.
 10 Q. And you first discussed the need to
 11 monitor the placement of children in shelters with
 12 Sue Perry when she was your supervisor. And when
 13 did she cease being your supervisor?
 14 A. I can't recall. It was two years ago.
 15 Q. Do you review this MACWIS report on
 16 shelter care?
 17 A. I do not receive that report.
 18 Q. How many discussions did you have with
 19 Billy Mangold about the overreliance on shelters?
 20 A. Probably not that many because he hasn't
 21 been the division director or wasn't the division
 22 director very long out of here.
 23 Q. You said probably not that many
 24 conversations with Mr. Mangold about overreliance on
 25 shelters. Did you have more than one conversation

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1 with Mr. Mangold about overreliance of shelters?
 2 A. Probably what I do remember is that we did
 3 generate a memorandum out to the regional directors.
 4 Q. And has that memorandum, in fact, been
 5 distributed to regional directors?
 6 A. Yes, it was.
 7 Q. And when was it distributed?
 8 A. I can't recall. I mean, it primarily was
 9 dealing with the length of time in a shelter, I
 10 believe is the way it came out. I believe it
 11 was around September of 2004, is when it was sent
 12 out.
 13 Q. And who was involved in creating that
 14 memorandum?
 15 A. Myself and Mr. Mangold.
 16 Q. Were you and Mr. Mangold listed as the
 17 authors on that memorandum?
 18 A. I would think so, yes.
 19 Q. And what is the approximate date of that
 20 memorandum?
 21 A. September 2004.
 22 Q. Have you had any discussions about that
 23 memorandum since it was disseminated?
 24 A. There was discussions about the content of
 25 the memorandum. And like I say, it primarily refers

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1 to the length of time in the shelters.
 2 Q. And do you have any facts that would lead
 3 you to believe that the length of time in shelters
 4 is decreased since this September 2004 memorandum
 5 was disseminated to regional directors?
 6 A. I don't have facts or anything to base
 7 that decision on.
 8 Q. This September 2004 memorandum from you
 9 and Mr. Mangold, it was sent to regional directors;
 10 is that correct?
 11 A. That's correct.
 12 Q. Was it sent to anybody else?
 13 A. I'm thinking area -- probably everyone,
 14 every area social work supervisors and social
 15 workers. It was, if I'm not mistaken, a policy
 16 bulletin.
 17 MS. CREAN:
 18 Ms. Mallett, I would call for the
 19 production of this policy bulletin. I believe it is
 20 responsive to requests that we've propounded on you
 21 in our request for production.
 22 MS. MALLETT:
 23 Okay. Do you know which request you would
 24 have asked for that?
 25 MS. CREAN:

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1 We can go check letter. I don't know off
 2 the top of my head.
 3 MS. MALLETT:
 4 Just send me a note about it.
 5 MS. CREAN:
 6 I need more than one actually, but I'm
 7 happy to memorialize the request and follow-up
 8 correspondence.
 9 BY MS. CREAN:
 10 Q. And why was the length of stay in shelters
 11 a topic that you and Mr. Mangold were motivated to
 12 write a memo to everyone about?
 13 A. I can't really recall, but I think we had
 14 probably observed some of the foster care review
 15 reports where children had stayed longer than 45
 16 days.
 17 Q. If you could please turn to exhibit -- if
 18 you would please turn to Exhibit 77, the page that's
 19 been Bates stamped DHS 371.
 20 A. (Witness complies.)
 21 Q. At the bottom of page 371, the policy
 22 manual states that children's stays in the shelters
 23 may be extended beyond the 45-day limit; is that
 24 correct?
 25 A. That's correct.

28 (Pages 109 to 112)

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1 Q. Does the division do anything to monitor
2 how often children stay beyond the 45-day limit?
3 A. Again, I believe there is a MACWIS report
4 generated.
5 Q. But you have not reviewed that MACWIS
6 report?
7 A. I have not reviewed the report.
8 Q. Are stays beyond the 45 days in the
9 shelter of concern to the division?
10 A. Yes, it would be.
11 Q. And why is it perceived as a problem?
12 A. Because, again, we want to get children in
13 the most family-like setting.
14 Q. Do you review the foster care review
15 reports regularly?
16 A. I don't review the entire reports. I do
17 review the summaries that they generate.
18 Q. And with what frequency do you review
19 those summaries?
20 A. Whenever they generate the report. And
21 those are really just identifying the deficiencies.
22 Q. And what deficiencies have you seen
23 identified in the summaries of the foster care
24 reviews?
25 A. A wide variety of things such as -- some

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1 of them I flagged to program staff such as
2 independent living program participation,
3 visitation.
4 Q. Anything else?
5 A. Well, there are others. I just can't --
6 can't recall without looking at a report.
7 Q. When you say "visitation," do you mean
8 visitation between caseworkers and children?
9 A. It could be any types of visitation,
10 parental visitation or worker visitation.
11 Q. And does it include visitation between
12 siblings?
13 A. Yes, sometimes it does.
14 Q. And you flagged the issue of caseworker
15 visits, and for whom have you flagged this?
16 A. Caseworker visits I don't flag. Those go
17 to the regional directors, and primarily it is a
18 tool for regional directors to use and comment back
19 as to their corrective action. And also understand
20 that some regions may have no deficiencies, so this
21 is not reflective of every case that they reviewed.
22 There are some that may not have any listed for a
23 certain month.
24 Q. And what deficiencies have you flagged for
25 others to pay attention to?

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1 A. The ones that I might have flagged would
2 be the independent living, the permanency plans, the
3 termination of parental rights issues, the
4 interstate compact issues.
5 Q. And what particular issues -- what
6 particular deficiencies did you flag with regard to
7 independent living?
8 A. Most of them are that the child is age 14
9 or over, and it's not documented that the child is
10 participating in independent living programs.
11 Q. Is it division policy that all foster
12 children age 14 and over should be participating in
13 independent living program services?
14 A. Yes.
15 MS. CREAN:
16 Please mark this as the next exhibit.
17 (Exhibit No. 78 was marked.)
18 MS. CREAN:
19 Here's a courtesy copy. This is yours.
20 BY MS. CREAN:
21 Q. Do you recognize Exhibit 78 as pages from
22 the policy manual?
23 A. Yes, I do.
24 Q. And do these pages contain the division's
25 policy on independent living services?

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1 A. I believe there has been at least one
2 updated policy bulletin that did revise the age,
3 which is now 14.
4 Q. And are you referring to the section
5 titled, Eligibility on the page that's Bates stamped
6 DHS 504, the first page of Exhibit 78?
7 A. That's correct.
8 Q. Where it says that, Independent living
9 services are provided to all youth age 16 to 20?
10 A. That's correct.
11 Q. And is it your testimony that that has
12 been revised to provide services to all youth age 14
13 to 20?
14 A. That's correct.
15 Q. What was the reason for that change?
16 A. It came about as the Chaffee Grant program
17 allowed us to have that flexibility, and we decided
18 to start the program earlier for younger children.
19 Q. And why did you decide to start it for
20 14-year-olds rather than start with 16-year-olds?
21 A. Because it's our belief that the earlier
22 you start in preparing them for independence the
23 better.
24 Q. What specific skills are taught in
25 independent living program services?

29 (Pages 113 to 116)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, et al.

DEFENDANTS.

30(b)(6) DEPOSITION OF NANCY MEADORS

Taken at the offices of Bradley, Arant, Rose & White, LLP,
on Tuesday, May 16, 2005, beginning at 8:40 A.M.

REPORTED BY:

REBECCA A. KIDDER

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 ERIC E. THOMPSON, ESQUIRE</p> <p>4 TARA S. CREAM, ESQUIRE</p> <p>5 Children's Rights</p> <p>6 404 Park Avenue South</p> <p>7 New York, New York 10016</p> <p>8 Telephone: 212.683.2210</p> <p>9 Fax: 212.683.4015</p> <p>10 ATTORNEYS FOR PLAINTIFFS</p> <p>11</p> <p>12 BETTY A. MALLET, ESQUIRE</p> <p>13 McGlinchey Stafford, PLLC</p> <p>14 Skytel Centre South, Suite 1100</p> <p>15 200 South Lamar Street</p> <p>16 Jackson, Mississippi 39201</p> <p>17 Telephone: 601.960.8424</p> <p>18 Fax: 601.960.8431</p> <p>19 ATTORNEY FOR DEFENDANTS</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by and between the</p> <p>3 parties hereto, through their respective attorneys of record,</p> <p>4 that this deposition may be taken at the time and place</p> <p>5 hereinbefore set forth, by Rebecca A. Kidder, Court Reporter and</p> <p>6 Notary Public, pursuant to the Mississippi Rules of Civil</p> <p>7 Procedure, as amended;</p> <p>8 That the formality of READING AND SIGNING is</p> <p>9 specifically NOT WAIVED;</p> <p>10 That all objections, except as to the form of the</p> <p>11 questions and the responsiveness of the answers, are reserved</p> <p>12 until such time as this deposition, or any part thereof, may be</p> <p>13 used or is sought to be used in evidence.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 T-A-B-L-E O-F C-O-N-T-E-N-T-S</p> <p>2 Examination By: Page</p> <p>3 MR. THOMPSON 5</p> <p>4 Exhibits:</p> <p>5 43: excerpt w/ case reporting requirements 12</p> <p>6 44: direct service primary clients by region 72</p> <p>7 45: direct service cases 73</p> <p>8 46: outcomes for the direct service of placement 77</p> <p>9 47: MACWIS report regarding missing placement 78</p> <p>10 48: MACWIS report regarding dormant cases 79</p> <p>11 49: MACWIS report regarding child abuse</p> <p>12 and neglect intake report 80</p> <p>13 50: MACWIS report regarding child</p> <p>14 investigation timeliness 81</p> <p>15 51: MACWIS report regarding the number of</p> <p>16 children in placements by placement type 82</p> <p>17 52: MACWIS report regarding the number of</p> <p>18 court ordered TPR requests 85</p> <p>19 53: MACWIS report regarding the number of</p> <p>20 children free for adoption 86</p> <p>21 54: MACWIS report regarding the number of</p> <p>22 children's adoptions finalized 87</p> <p>23 Stipulation 4</p> <p>24 Certificate of Court Reporter 90</p> <p>25 Witness Signature Sheet 91</p>	<p>Page 3</p> <p>1 NANCY MEADORS</p> <p>2 having been first duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 MR. THOMPSON:</p> <p>7 Q. Good morning, Ms. Meadors. My name is Eric</p> <p>8 Thompson. This is Tara Cream. We both represent plaintiffs in</p> <p>9 the action of Olivia Y. v Barbour. Do you understand that</p> <p>10 you're here to give us sworn testimony in that matter?</p> <p>11 THE WITNESS:</p> <p>12 A. Yes.</p> <p>13 Q. Thank you. Ms. Meadors, what's your current</p> <p>14 position with DHS?</p> <p>15 A. I'm a project officer for Special.</p> <p>16 Q. And that's with the Division of Youth and Family</p> <p>17 Services?</p> <p>18 A. Family and Children services.</p> <p>19 Q. I'm going to show you what's been previously</p> <p>20 marked Exhibit 34 which is an organizational chart beginning</p> <p>21 with the state office. Is that your position down at the</p> <p>22 bottom: 'Project Officer for Special?'</p> <p>23 A. Yes.</p> <p>24 Q. And that's under the director of administration;</p> <p>25 is that correct?</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>

2 (Pages 2 to 5)

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1 development?

2 A. Yes.

3 Q. Are you aware of any specific rollout date for
4 full implementation of Title 4E eligibility information in
5 MACWIS?

6 A. No. It will be the same. The eligibility
7 process and the placement process are being worked on
8 simultaneously. So it would go on the same date.

9 Q. So currently the Title 4E information is also
10 collected by the eligibility unit; is that correct?

11 A. Yes.

12 Q. And that's still a paper system?

13 A. Yes. That's the 443 series that I mentioned.

14 Q. Do they collect the information on the same
15 forms?

16 A. It's different forms. They have one for when the
17 child is initially placed in custody where they answer these 4E
18 eligibility questions. And then if there's a change, if it's in
19 placement or if the child starts receiving income, something
20 like that, then there's a change form that they use. There's
21 also a re-determination form.

22 Q. Having MACWIS be able to process board payments
23 and Title 4E eligibility information, are those requirements,
24 federal requirements, for SACWIS systems?

25 A. Yes.

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1 Q. So is it fair to say it's always been the
2 plan that it's being incorporated into MACWIS?

3 A. Yes.

4 Q. Let me show you what's been previously marked
5 Exhibit 42. Do you recognize these documents to be printouts of
6 MACWIS screens?

7 A. Yes.

8 Q. You previously testified as to dealing with
9 MACWIS user requirements.

10 A. Yes.

11 Q. Are there any particular screens in MACWIS that
12 you have identified as creating user requirement problems or
13 issues?

14 A. No. Other than like I said, the eligibility is
15 being reworked.

16 Q. Are these the format of the screens that a social
17 worker would be scrolling through when they have online access
18 to MACWIS?

19 A. Yes.

20 Q. So these are the user screens that allow for
21 entry of child and family information into MACWIS?

22 A. Yes, but that's not all of them.

23 Q. Is it the user who would have to pick and choose
24 from the available menu what item they wanted to complete at the
25 time?

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1 A. Yes.

2 Q. Is there, to your knowledge, any MACWIS manual
3 that sets out the information and screens that a social worker
4 or case worker is required to enter into MACWIS?

5 A. There is a user manual but it basically has
6 instructions on this is the screen, these are the fields. It
7 doesn't really tell them if this is a child in custody you do
8 this or that kind of thing. No. It's just basic instruction
9 for the screen or the tab.

10 Q. Would a case worker then be expected to be
11 referring to the policy manual in terms of what information
12 needs to be entered into MACWIS?

13 A. The policy and also they get information when
14 they come for their MACWIS training.

15 Q. That's part of the curriculum?

16 A. Yes. The social worker intensive training; it's
17 a four-week training. The last week is MACWIS.

18 Q. As part of that training, is there any materials
19 or handouts regarding what are the MACWIS requirements for data
20 entry?

21 A. They have a scenario that they go through, and
22 they take the scenario back to the town with them.

23 Q. Does MACWIS have any automatic prompts once a
24 case file is opened in MACWIS?

25 A. No; not yet. That is one of our changes that we
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1 plan to implement.

2 Q. Is that also something that's being currently
3 worked on?

4 A. No.

5 Q. Is there a timeline or a plan regarding
6 development of that function?

7 A. We have a work plan, and it is included in that
8 work plan.

9 Q. And when you say 'we' what would this work plan
10 be called?

11 A. The MACWIS Work Plan. It's developed by someone
12 on the program side along with the lead person from MIS who is
13 over the contractor.

14 Q. And this leading person from MIS is within the
15 division or a DHS MIS person?

16 A. MIS, Management Information Systems, is a
17 separate division of DHS.

18 Q. Of DHS?

19 A. Right.

20 Q. Do you know the name of the director of MIS?

21 A. Douglas Taylor.

22 Q. So the MACWIS work plan would be a document that
23 Mr. Douglas has developed?

24 A. No.

25 Q. Who has developed that document?

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1 A. Cheryl Joyner who is our lead MIS person
2 on MACWIS.

3 Q. Is he under the bureau of director in the
4 division for administration?

5 A. No. She's a MIS employee. I'm not sure who her
6 immediate boss is, but Mr. Douglas is over MIS.

7 Q. You mentioned some on-going issues in terms of
8 the completeness of information being entered into MACWIS by
9 case workers; is that correct?

10 A. Yes.

11 Q. Can you tell me if you know what, if anything,
12 processes are in place to ensure the complete entry of
13 information in MACWIS?

14 A. I'm not exactly sure what you're asking.

15 Q. Let me try and rephrase it. Are you aware of how
16 the division is attempting to ensure that information is entered
17 into MACWIS consistently?

18 A. Yes.

19 Q. And what are those? What has been put in place?

20 A. We have an advisory team that meets once a month.
21 During the meeting, we talk about changes that are needed for
22 the system. We have several changes that are on the work plan.
23 One of those changes is to sort of guide the worker when a child
24 comes in, or, actually, when a case is opened, when they are
25 completing the relationship screen, to guide them if there's a
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1 child who came into custody to take them from the
2 relationship screen. They get a message. They will get a
3 message - it's not in yet - to tell them that they need to go to
4 the legal history tab and enter the custody. After that it's
5 done. It prompts them to go to the ISP screen which is the
6 individual service plan or case plan for the child; complete
7 that. It also prompts them to go to the eligibility screen,
8 complete that, and to the placement screen to complete that.

9 And we also have other changes that are: making
10 fields mandatory that are, for instance, AFGAR's requirements.
11 We have implemented some of those already. In the ISP we have
12 removal reasons, and if a child is in custody there has to be a
13 reason selected before they can submit the ISP to their
14 supervisor.

15 Q. Are there any other mandatory fields currently in
16 MACWIS?

17 A. We have several mandatory fields; yes.

18 Q. Can you tell me what those are besides the
19 removal reasons that you know?

20 A. Through the old system? We have lots of
21 mandatory fields. On the intake report there has to be a
22 county. They have to pick an intake type. They have to enter
23 the date and the time before they can save the intake. On that
24 same screen they have to enter at least one person on the intake
25 before they can submit it for screening. If they recommend

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1 screen out they have to select a reason for screening it
2 out. If it is screen in and becomes an investigation, then
3 there are certain fields on the investigation screen that they
4 have to complete. The findings for the allegation; they also
5 have to --. I think that's the only mandatory --. When they do
6 the finding they have to enter the date for the finding. Do you
7 want me to go through the whole system?

8 Q. Let me ask you this: So as I understand it,
9 mandatory fields means that if there's no information entered in
10 the field, then is it the screen that can't be completed; is
11 that correct?

12 A. Yes.

13 Q. Or if it's a report like the ISP, then it's the
14 document that can't be completed or printed out; is that
15 correct?

16 A. The ISP is a screen, and they can't submit it to
17 the supervisor. The supervisor has to approve it. And there is
18 a document that prints out, but if they try to print before it
19 was completed then it would be incomplete.

20 Q. Let me show you what's been previously marked
21 Exhibit 41. If you can refer to both Exhibit 41 and 42, in 42
22 we've got specific data fields on different MACWIS screens;
23 correct?

24 A. Yes.

25 Q. On Exhibit 41, is this a template that would
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1 appear on the case worker screen?

2 A. No.

3 Q. How would the information on Exhibit 41, the
4 youth court hearing and review summary form, be completed online
5 in MACWIS?

6 A. The information is entered by the social worker
7 on a different screen. This particular printout is from our
8 county conference, and we have a county conference screen in
9 MACWIS that's completed by the foster care review person, the
10 county worker, and the county supervisor. Once it's completed
11 they print it out. It goes to the judge. But the information
12 such as the child's name is pulled from the different parts of
13 where it's entered in the system. They won't have to put this
14 in again. It just pulls it altogether.

15 Q. Just to make sure I understand: The various data
16 pieces or entries that are reflected on the form in Exhibit 41
17 are populated electronically from screen entries made into
18 MACWIS via the screens that are reflected, for example, in
19 Exhibit 42?

20 A. Yes.

21 Q. So on a document like Exhibit 41 which reflects
22 information entered by the case worker, the foster care reviewer
23 --

24 A. -- and the supervisor.

25 Q. -- and the supervisor, all three of those
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1 would fill out?

2 A. Yes.

3 Q. Is a case worker able to make entries on a
4 child's MACWIS case record without being the assigned case
5 worker identified in the system?

6 A. They could add a narrative to the case.

7 Q. Are they able to make any sort of any other data
8 entries that are required of the ongoing case worker? Let me
9 ask you a specific example. Would someone, other than the
10 assigned case worker, be able to input updated information as to
11 the child's placement, for example?

12 A. No.

13 Q. It would have to be the assigned case worker or
14 the supervisor?

15 A. Yes.

16 Q. So a social work aid or SWA could not make those
17 types of entries; correct?

18 A. No.

19 Q. Likewise, for a homemaker for example?

20 A. No.

21 Q. Both a homemaker and a SWA could make narrative
22 entries in the case then?

23 A. Yes.

24 Q. In light of that, do you know how case recording
25 is occurring in counties where there are no full-time case

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1 workers assigned?

2 MS. LOWRY:

3 I'm going to object to that.

4 THE WITNESS:

5 A. If there is no social worker working in the
6 county that's assigned to the county then the regional director
7 for that county would have another social worker from another
8 county to fill in until a social worker was hired.

9 MR. THOMPSON:

10 Q. In terms of MACWIS case recording, a covering
11 social worker would need to be formally designated then as the
12 assigned case worker that; is that correct?

13 A. Yes.

14 Q. Otherwise they could make any of these MACWIS
15 entries besides narrative; is that correct?

16 A. Right.

17 Q. Are you aware that staff had been detailed from
18 the state office to counties such as Forrest County for certain
19 periods of time to assist with casework tasks there?

20 A. Yes.

21 Q. Would it be the same thing for those social
22 workers regarding their ability during the time of their
23 detailing to a county office such as Forrest County that they
24 would need to be designated in MACWIS as the assigned case
25 worker for cases on which they were covering?

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1 A. They could be proxy. If there's a worker
2 in the county, they can be proxy for that worker.

3 Q. Can you explain what you mean by proxy?

4 A. The supervisor and regional director have to make
5 a request to the state office, to Ms. Saulters, for any proxy's
6 that are put in the system. She decides, Ms. Saulters decides
7 if it's a valid request. If it is, she enters the proxy
8 information into the system which allows another worker to login
9 as a proxy for the worker in the county and they have access to
10 that worker's work load and can do work on the cases just like
11 the case worker.

12 Q. Are these requests for proxies made through the
13 MACWIS system, or --

14 A. No; paper.

15 Q. -- is this a written request?

16 A. Yes.

17 Q. When a child is placed in a different county than
18 the original county's responsibility, the county and the county
19 office that has the child placed in their county is then
20 responsible for certain ongoing services for the child; is that
21 correct?

22 A. Yes.

23 Q. Hence the designation county of service?

24 A. Yes.

25 Q. Is a case worker in the county of service somehow
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1 assigned to that child?

2 A. Yes.

3 Q. Is that assignment also reflected in MACWIS?

4 A. Yes. It's on the assigned transfer screen.

5 Q. So the system allows for two case workers to be
6 assigned at the same time to the child; is that correct?

7 A. Yes.

8 Q. Does the system reflect or distinguish between a
9 county of responsibility case worker or a county of service case
10 worker?

11 A. Yes.

12 Q. So one would be able to look up the assigned
13 transfer screen?

14 A. Yes.

15 Q. And both workers would show up?

16 A. Yes.

17 Q. And from the screen one would be able to tell who
18 was the social worker from the county of responsibility and who
19 is the one from the county of service?

20 A. Yes.

21 Q. As you understand it, they both have different
22 responsibilities at that point?

23 A. Yes.

24 Q. So once a case worker is assigned in the county
25 of service they then have the same abilities to update and
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Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI</p> <p>3 JACKSON DIVISION</p> <p>4 OLIVIA Y., ET AL PLAINTIFFS</p> <p>5 VS. CIVIL ACTION NO. 3:04CV251LN</p> <p>6 HALEY BARBOUR, ET AL DEFENDANTS</p> <p>7</p> <p>8</p> <p>9</p> <p>10 DEPOSITION OF ROBERT HAMRICK</p> <p>11</p> <p>12 Taken at Bradley Arant Rose & White,</p> <p>13 188 East Capitol Street, Suite 450,</p> <p>14 Jackson, Mississippi, on Monday,</p> <p>15 June 20, 2005, beginning at 8:30 a.m.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 REPORTED BY:</p> <p>21 CELESTE O. WERKHEISER, RMR</p> <p>22 State-Wide Reporters</p> <p>23 4400 Old Canton Road</p> <p>24 Suite 160 (39211)</p> <p>25 Post Office Box 14113</p> <p>Jackson, Mississippi 39236</p> <p>Telephone: (601) 366-9676</p> <p>Fax: (601) 366-9756</p> <p>www.legalink.com</p>	<p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by</p> <p>3 and between the parties hereto, through their</p> <p>4 respective attorneys of record, that this</p> <p>5 deposition may be taken at the time and place</p> <p>6 hereinbefore set forth, by Celeste O.</p> <p>7 Werkheiser, Registered Merit Reporter and Notary</p> <p>8 Public, pursuant to the Federal Rules of Civil</p> <p>9 Procedure, as amended;</p> <p>10 That the formality of READING AND</p> <p>11 SIGNING is specifically NOT WAIVED;</p> <p>12 That all objections, except as to the</p> <p>13 form of the questions and the responsiveness of</p> <p>14 the answers, are reserved until such time as</p> <p>15 this deposition, or any part thereof, may be</p> <p>16 used or is sought to be used in evidence.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 ERIC E. THOMPSON, ESQUIRE</p> <p>4 MARCIA LOWRY, ESQUIRE</p> <p>5 Children's Rights, Inc.</p> <p>6 404 Park Avenue South</p> <p>7 New York, New York 10016</p> <p>8 Telephone: (212) 683-2210</p> <p>9 Fax: (212) 683-4015</p> <p>10 ATTORNEYS FOR PLAINTIFFS</p> <p>11</p> <p>12 RUSTY FORTENBERRY, ESQUIRE</p> <p>13 McGlinchey Stafford, PLLC</p> <p>14 200 South Lamar Street</p> <p>15 Suite 1100</p> <p>16 Jackson, Mississippi 39201</p> <p>17 Telephone: (601) 960-8400</p> <p>18 Fax: (601) 960-8431</p> <p>19 ATTORNEY FOR DEFENDANTS</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 T-A-B-L-E O-F C-O-N-T-E-N-T-S</p> <p>2 Examination By: Page</p> <p>3 Mr. Thompson.....5</p> <p>4</p> <p>5 Stipulation.....3</p> <p>6</p> <p>7 Exhibits:</p> <p>8 No. 81 Foster Care Review Board's Report...36</p> <p>9 No. 82 Periodic Administrative</p> <p>10 Determination on Foster Children...47</p> <p>11 No. 83 Issues Observed - Comparison Report</p> <p>12 Foster Care Review - FY 2004.....86</p> <p>13 No. 84 MDHS Division of Family & Children's</p> <p>14 Services - Individual Service Plan..94</p> <p>15 No. 85 Foster Care Review - Summary Report -</p> <p>16 Issues in Foster Children's Cases..101</p> <p>17 No. 86 MDHS - Family & Children's Services -</p> <p>18 Memo dated 6-17-03.....111</p> <p>19 No. 87 Foster Care Review - Summary Report -</p> <p>20 Issues in Foster Children's Cases..114</p> <p>21 No. 88 Page 2 of 2.....120</p> <p>22 No. 89 Foster Care Review - Summary Report -</p> <p>23 Issues in Foster Children's Cases..126</p> <p>24 Certificate of Court Reporter.....140</p> <p>25 Witness Signature Page.....141</p>

<p style="text-align: right;">Page 5</p> <p>1 ROBERT HAMRICK 2 having been first duly sworn, was 3 examined and testified, as follows: 4 EXAMINATION 5 BY MR. THOMPSON: 6 Q. Good morning, Mr. Hamrick. 7 A. Morning. 8 Q. Mr. Hamrick, would you state your 9 full name, please, for the record? 10 A. Robert Andrew Hamrick. 11 Q. Mr. Hamrick, my name is Eric 12 Thompson. This is attorney Marcia Lowry. We 13 represent the plaintiffs in the matter of Olivia 14 Y. v. Barbour. Do you understand that you're 15 here today to give sworn testimony in that 16 matter? 17 A. Yes. 18 Q. Mr. Hamrick, did you review any 19 documents in preparation for this deposition? 20 A. No. 21 Q. Could you state what your position is 22 with DHS, please? 23 A. My title is Program Administrator 24 Senior over the state's Foster Care Review 25 Program.</p>	<p style="text-align: right;">Page 7</p> <p>1 in your current position? 2 A. Two years and five months. 3 Q. And before assuming your current 4 position, were you employed by DHS? 5 A. Yes, sir. 6 Q. And what position did you have 7 immediately preceding your current position? 8 A. I was Social Worker Advanced with the 9 Foster Care Review Program. 10 Q. And did that entail being a Foster 11 Care Reviewer? 12 A. Yes, sir. 13 Q. And how long were you a Foster Care 14 Reviewer for? 15 A. Since 1993. So it would have been, I 16 guess, about 10 years. 17 Q. Were you previously employed by DHS 18 before assuming the position of Foster Care 19 Reviewer? 20 A. Yes. 21 Q. And what position did you have? 22 A. I was a county social worker in 23 Newton County and Scott County. 24 Q. Are those both in the same DFCS 25 region?</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Before we get into more questions, 2 have you ever been in a deposition before? 3 A. No. 4 Q. Let's talk about a few basic ground 5 rules. I'll be asking you questions. I'll need 6 you to verbalize your response so the court 7 reporter can take everything down instead of 8 nodding or saying uh-huh. 9 A. Okay. 10 Q. If at any time my question is 11 unclear, please let me know. I'll try and 12 rephrase it so that you can answer it. 13 A. Okay. 14 Q. And this is not an endurance contest. 15 So if you need to take a break just let me know 16 and we'll do that as long as there is not a 17 question pending. 18 A. Okay. 19 MR. FORTENBERRY: 20 Eric, just for the record, we reserve 21 all objections until the time of trial except as 22 to form, just for the record. 23 MR. THOMPSON: 24 Yes, that's fine. Thank you. 25 Q. Mr. Hamrick, how long have you been</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Back then, I believe they were. Now 2 they're not, but back then they were. 3 Q. How long were you a county social 4 worker for? 5 A. I believe five years. I started in 6 December of 1987 with the agency. 7 Q. Previous to that had you worked at 8 all in any social work field? 9 A. No, sir. 10 Q. Could you tell me what undergraduate 11 degrees you have? 12 A. I have a bachelor's degree in 13 Business Administration from University of 14 Southern Mississippi. 15 Q. Do you have any advanced degrees? 16 A. No, sir. 17 Q. As Program Administrator Senior of 18 the Foster Care Review Program, what are your 19 general responsibilities? 20 A. I supervise 11 Foster Care Reviewers 21 throughout the state who are responsible for 22 reviewing the cases of children in foster care 23 every six months. And as they complete their 24 reviews and reports they send them in. Of 25 course, I review them and there's statistical</p>

<p style="text-align: right;">Page 49</p> <p>1 addressed in the comments?</p> <p>2 A. No.</p> <p>3 Q. And is there any requirement that</p> <p>4 DHS's efforts to achieve the permanent plan be</p> <p>5 addressed in the comments?</p> <p>6 A. It's no requirement, no.</p> <p>7 Q. Do you see on Exhibit 82 a comment</p> <p>8 for number 13 that the placements listed in</p> <p>9 MACWIS for each child do not appear to be</p> <p>10 correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is the accuracy of MACWIS entries an</p> <p>13 ongoing issue at DHS?</p> <p>14 A. Not all MACWIS entries. There's some</p> <p>15 information that is -- where it's been a</p> <p>16 problem. Placements is one of them. Well --</p> <p>17 and it's not statewide or anything like that. I</p> <p>18 don't mean to say that it's a statewide problem.</p> <p>19 Q. Well, besides placements, are there</p> <p>20 any other data fields that have been problematic</p> <p>21 in terms of accuracy?</p> <p>22 A. Medical information, psychological</p> <p>23 information. Again, not in every county in the</p> <p>24 state, but in some areas there's information</p> <p>25 lacking in certain fields of MACWIS.</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Primarily Region 6 North, Forrest</p> <p>2 County. And Region 6 South, Harrison and</p> <p>3 Hancock.</p> <p>4 Q. And does that include the accuracy of</p> <p>5 placement data?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Does it include the accuracy of entry</p> <p>8 of the custody dates?</p> <p>9 A. That's been reported a time or two.</p> <p>10 It's nothing that the reviewers focus on too</p> <p>11 much. They're more concerned with what happens</p> <p>12 after they come into custody as opposed to when</p> <p>13 a date got entered into -- like when a custody</p> <p>14 got entered into a system. But they have --</p> <p>15 reviewers have reported it to me on a few</p> <p>16 occasions.</p> <p>17 Q. You base the scheduling of Foster</p> <p>18 Care Reviews, though, on the entry date into</p> <p>19 custody, correct?</p> <p>20 A. Yes.</p> <p>21 Q. So if that entry date into custody is</p> <p>22 erroneously entered or not entered into MACWIS,</p> <p>23 you would not be able to accurately schedule a</p> <p>24 case for a six-month review; is that correct?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And when you say in certain areas,</p> <p>2 are we talking about specific counties or</p> <p>3 regions?</p> <p>4 A. We produce a report each month that</p> <p>5 does show a comparison between the regions and</p> <p>6 what those issues are. And there are specific</p> <p>7 regions, areas of the state, where it's more</p> <p>8 problematic than others.</p> <p>9 Q. And what is that report?</p> <p>10 A. It's a report we call Issues Observed</p> <p>11 During Foster Care Review. It's just one --</p> <p>12 it's nothing automated. It's something I put</p> <p>13 together manually each month.</p> <p>14 Q. The issues observed include other</p> <p>15 issues besides the lack of adequate</p> <p>16 documentation, correct?</p> <p>17 A. It could, yes, sir.</p> <p>18 Q. Focusing specifically on the accuracy</p> <p>19 of MACWIS entries, are there specific counties</p> <p>20 or regions that have come to your attention as</p> <p>21 having more problems than others in the accuracy</p> <p>22 of their MACWIS data entry?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And what counties or regions are</p> <p>25 those?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Has it come to your attention that</p> <p>2 certain cases have been scheduled for reviews</p> <p>3 that were not due for review?</p> <p>4 A. What was that now?</p> <p>5 Q. Let me ask it a different way. Has</p> <p>6 it come to your attention that there have been</p> <p>7 cases that were due for reviews that were not</p> <p>8 scheduled due to erroneous MACWIS information?</p> <p>9 A. I'm sorry. I hate to be hard headed.</p> <p>10 But you're saying there's cases that have not</p> <p>11 been scheduled for a review because the</p> <p>12 information entered into MACWIS was not timely</p> <p>13 or --</p> <p>14 Q. Yes. That's my question.</p> <p>15 A. Okay. I'm sorry. Yes. Yes, that's</p> <p>16 correct.</p> <p>17 Q. And what have you done as a result of</p> <p>18 that being brought to your attention?</p> <p>19 A. Well, when we find out about them, we</p> <p>20 just try to schedule them as quickly as we can</p> <p>21 for a review. Also, we will go in, me and --</p> <p>22 I'll usually take that report I was telling you</p> <p>23 about earlier, that Children in Custody With</p> <p>24 Conference Dates More Than Six Months, I'll take</p> <p>25 that report and sit down with one of our -- one</p>

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1 of the staff persons in our state office and
2 she'll look up that information on -- I don't
3 know what she calls the back end of the system,
4 I don't know what she means by that, but that's
5 what she does, and she can usually pinpoint
6 exactly what happened on those cases.

7 So if I find that it's one where the
8 county may have been late entering information
9 into the system, I'll notate it on that report
10 and send a copy of that report to the Regional
11 Director who's over that area of the state as
12 well as I'll send a copy to the reviewer because
13 they still have -- I mean, even though it was
14 entered, the information was entered into the
15 system late, they still need to review it so
16 I'll tell them to go ahead and schedule it as
17 quickly as they can for review.

18 Q. How do those cases come to your
19 attention?

20 A. Like I said, on that printout that we
21 get each month of Children in Custody With
22 Conference Dates More Than Six Months.

23 Q. I guess my question is more the ones
24 that have not been scheduled because there was
25 erroneous MACWIS information, how do those cases

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1 reviewer overlooks them. But it's rare. It's
2 usually because of something like that.

3 Q. So until the county enters the
4 placement date, you would have no notice as to
5 the need for a Foster Care Review, correct?

6 A. No, sir. No, sir. Not unless the
7 county came to us and told us, you know, we took
8 this child into custody and the reviewers, you
9 know, would write it down. They do keep their
10 own separate custody listings for reasons such
11 as that. But the county has got to tell us
12 about them. If they don't tell us, we don't
13 know.

14 Q. Besides the requirement that they
15 enter the entry date into MACWIS, though,
16 there's no requirement that they notify the
17 Foster Care Review unit of a child being taken
18 into custody, correct?

19 A. No. Many of the individual
20 supervisors may tell them but I guess that's
21 just on a county by county basis. Some folks
22 tell us, others don't.

23 Q. Let me show you what's been
24 previously marked Exhibit 41. Is this the Youth
25 Court Hearing and Review Summary that you

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1 come to your attention?

2 A. We must not be talking about the same
3 thing because that's how I find out about them
4 is that report I was telling you about.

5 Q. Let me just back up then. The
6 report, though, as I understand it is generated
7 by MACWIS, correct?

8 A. Yes.

9 Q. And so the dates that it tracks are
10 based on the entry dates that have been entered
11 into MACWIS, correct?

12 A. Yeah. What they do is, let's say a
13 child comes into custody January 1st, maybe the
14 county doesn't get around to entering that
15 custody date into the system until August 15th,
16 you know, eight months has done passed. MACWIS
17 will pick up on that, they'll notice that
18 custody date from back in January and they'll
19 notice there's -- no Foster Care Review action
20 had been taken on it. So the system doesn't
21 know, it just reports that there was no Foster
22 Care Review done.

23 So then that's when I go to our
24 person in the Administration Unit and we look it
25 up and see what happened. Sometimes the

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1 previously testified to?

2 A. Yes, sir.

3 Q. If you would turn to the third page,
4 which begins part B.

5 A. Okay.

6 Q. Is part B the section that's filled
7 out by the Foster Care Reviewer?

8 A. Yes, sir.

9 Q. Is the reviewer required to list all
10 the persons invited to the Foster Care Review?

11 A. Are you looking at 106?

12 Q. Yes.

13 A. MACWIS automatically populates those
14 names onto that particular page. The social
15 worker will go in and select who is to be, you
16 know, who all is to be invited and MACWIS will
17 automatically populate them on there. And then
18 the reviewer, on the next page, on 107, the
19 reviewer goes in and lists who actually showed
20 up, persons who attended.

21 Q. If you turn to page 108, is this
22 where -- well, first of all, is the Foster Care
23 Reviewer required to fill out the text in answer
24 to each one of these questions?

25 A. Yes, sir.

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1 Q. Turn to page 28 of Exhibit 79,
2 please. First sentence states that the Foster
3 Care Review Program supervisor is housed at the
4 state office and supervises 12 Foster Care
5 Reviewers. Has this in fact changed in terms of
6 the number of Foster Care Reviewers since this
7 was prepared?

8 A. No. We only have 11. We had a
9 secretary which made it 12. I don't know. No.
10 We only have 11 reviewers.

11 Q. Have you ever had 12 Foster Care
12 Reviewers?

13 A. Not that I'm aware of. I don't know.
14 Maybe I need to go back and recount. Yes. I'm
15 sorry. That's correct, 12.

16 Q. So when we had previously gone over
17 Exhibit 34 at DHS 019706 and listed the
18 applicable Foster Care Reviewer positions --

19 A. There's 12 but one of them has
20 retired so there's 11 right now.

21 Q. But you have 12 PINs?

22 A. Yes, sir.

23 Q. And as we had gone through the list
24 we had identified 11 in 11 different county
25 offices. Do you recall what the 12th county

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1 office assignment is?

2 A. Can I use a pen? I have to write
3 this stuff down. Let's see. Okay. I'm having
4 a hard time here.

5 Q. Referring to 019706, you had
6 identified that there was no assignment to
7 Marion County.

8 A. No. There's not.

9 Q. There was only one as to Hinds
10 County, correct?

11 A. Correct.

12 Q. You had identified an addition to the
13 list reflected here, one assigned to Forrest
14 County and one to Greenville.

15 A. Yes.

16 Q. By my count that totals 11.

17 A. That's 11, yeah. I sat here and did
18 it on my hand. I figured it up as well. But
19 it's 11. I'm sorry.

20 Q. And so is your testimony that you
21 have 11 PINs or 12 PINs?

22 A. It's 11.

23 Q. And to your knowledge, has it been 11
24 since you've been head of the program?

25 A. Yes, sir.

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1 Q. So here on page 28 of Exhibit 79,
2 does that appear to be an error when it says
3 that you supervise 12 Foster Care Reviewers?

4 A. Yes, sir.

5 Q. Do the Foster Care Reviewers in
6 addition to the six-month periodic reviews
7 review randomly sampled cases on a periodic
8 basis?

9 A. Yes, sir.

10 Q. And what's the purpose of that
11 review?

12 A. It's kind of a quality assurance
13 review. It's something we're going to be doing.

14 Q. Are you currently doing it?

15 A. Yes, sir. Just not on the scale that
16 we intend to do it.

17 Q. Well, since when have the Foster Care
18 Reviewers been doing any kind of additional
19 quality assurance sample case reviews?

20 A. Probably August, 2003, I believe.

21 Q. And do you know why those were
22 initiated?

23 A. The intent was, we were trying to
24 prepare to get ready for the Child and Family
25 Services Review. And we thought if we could go

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1 out and review some of these cases in a format
2 similar -- we weren't real familiar with the
3 Child and Family Services Review at that time.
4 And what we ended up doing was nothing like the
5 Child and Family Services Review was, but, you
6 know, we thought we were doing something good
7 there.

8 But the intent was to hopefully try
9 to, you know, prepare the counties for the
10 review, to kind of give them an idea of what
11 they're going to be reviewed on and how they
12 could, you know, kind of improve their case work
13 as a result.

14 Turns out that the reviews we were
15 doing were nothing like what the Child and
16 Family Services Review was. It was more of a
17 souped up Foster Care Review. Just kind of more
18 of a compliance thing. But since the Child and
19 Family Services Review has happened, we've
20 learned a lot more about those kind of reviews
21 and have since adjusted our approach to it,
22 which will be implemented next month.

23 Q. With the original reviews, did you
24 have a set instrument, standard instrument, case
25 review instrument that the reviewers were using?

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1 A. Yes, sir.
 2 Q. Was that the same or similar to the
 3 quality improvement instruments that were
 4 created for the previous quality improvement
 5 program?
 6 A. No, sir, it wasn't similar.
 7 Q. Who developed those instruments?
 8 A. Me, along with a couple of the
 9 reviewers, and a consultant that was working
 10 with the agency at the time.
 11 Q. And beginning in August, 2003, how
 12 many cases were being reviewed?
 13 A. With this particular review
 14 instrument?
 15 Q. Yes.
 16 A. We were doing a sample of five cases
 17 per month per region.
 18 Q. Was the data that was compiled
 19 through this review process aggregated in any
 20 way?
 21 A. Yes, sir. We compiled a quarterly
 22 report and forwarded it on to senior management,
 23 the Division Director, the Unit Directors, and
 24 the Regional Directors each quarter.
 25 Q. Was there an annual report as well?

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1 A. Just what we did in the fourth
 2 quarter we would total up, at the end of the
 3 year we would total up all the numbers and so
 4 forth and present it along with the fourth
 5 quarter report.
 6 Q. And what kind of data was aggregated
 7 in these quarterly reports?
 8 A. Oh, we would look to see -- focus
 9 primarily on safety, permanency, and well-being
 10 issues. Looking to see if the child -- since we
 11 do just review foster care cases, we were
 12 looking to see if any children were being
 13 mistreated or if there were any allegations that
 14 a child was being mistreated in foster care or
 15 while they were in agency custody. And if so,
 16 did the agency take proper steps to resolve the
 17 matter.
 18 Permanency questions, things like
 19 were the children's individualized service plans
 20 developed and approved in a timely manner, if
 21 they had a permanent plan on their case plans,
 22 if they had been in custody 15 or 22 months and,
 23 if so, had a TPR referral been forwarded and if
 24 not were there compelling reasons for not doing
 25 so.

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1 Well-being questions apprised pretty
 2 much of, you know, if their medical needs were
 3 being met, psychological, mental health needs,
 4 educational needs. And then we would also
 5 collect information on county conference
 6 notification.
 7 Q. And the quarterly reports reflected
 8 aggregate data on those issues?
 9 A. Yes, sir. On those and other -- I
 10 can't think of all of them off the top of my
 11 head but that's -- yes, sir.
 12 MR. THOMPSON:
 13 Rusty, I don't believe these
 14 documents have been produced and would be
 15 directly responsive to plaintiff's previous
 16 document request. I would state for the record
 17 that we would request those be produced.
 18 MR. FORTENBERRY:
 19 Let me check into it. Also I think
 20 there were a couple the other day. Can you just
 21 as a part of that letter fax something?
 22 MR. THOMPSON:
 23 We will follow up with a written
 24 letter request.
 25 MR. FORTENBERRY:

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1 Fax it to me.
 2 A. I was going to further add, after the
 3 Child and Family Services Review was over with,
 4 I mean, the instrument we were using was -- it
 5 became obvious it was obsolete. It was not what
 6 we needed to be using. I requested that we not
 7 use it anymore. So there was a period of a
 8 couple of months where it was not being used but
 9 then one of the deputies asked that we continue
 10 using it again so we started it back up. I
 11 believe that was in October of 2004.
 12 MR. THOMPSON:
 13 Q. In October of 2004 is when you
 14 started using it again?
 15 A. We started using it back again, yes,
 16 sir.
 17 Q. And that was after how many months of
 18 not using it?
 19 A. Probably about two or three months.
 20 Q. And is that because none of these
 21 reviews were occurring or were you using a
 22 different instrument?
 23 A. They just weren't occurring. We
 24 stopped using it and it was just something we
 25 started doing on our own, I guess. It was one

20 (Pages 77 to 80)

<p style="text-align: right;">Page 105</p> <p>1 notate it.</p> <p>2 Q. Would the frequency of this issue</p> <p>3 being noted be reflected in the detailed</p> <p>4 attachments that you've testified exist as to</p> <p>5 Exhibit 83?</p> <p>6 A. No. This particular document</p> <p>7 doesn't. In 83, it doesn't break it down or</p> <p>8 anything by the issues. It just says how many</p> <p>9 were reviewed and -- how many cases were</p> <p>10 reviewed and how many of those cases had issues.</p> <p>11 This here is what we used to break it down with.</p> <p>12 Q. So as I understand your testimony,</p> <p>13 Exhibit 83 as it is before you here is just an</p> <p>14 aggregate summary of number of cases reviewed</p> <p>15 and those that had issues flagged, correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And as you know that document to be</p> <p>18 created and maintained there are additional</p> <p>19 detailed pages breaking it down by county and</p> <p>20 region; is that correct?</p> <p>21 A. Repeat the question? I'm sorry.</p> <p>22 Q. Sure. As I understood your previous</p> <p>23 testimony, attached to Exhibit 83, not before</p> <p>24 you, but as you maintain it in your office, is</p> <p>25 additional detailed information that breaks down</p>	<p style="text-align: right;">Page 107</p> <p>1 produces a report by -- it goes by county of</p> <p>2 face-to-face contacts.</p> <p>3 MR. THOMPSON:</p> <p>4 Rusty, just for the record, again, I</p> <p>5 believe the reports as to itemized issues by</p> <p>6 region produced by the Foster Care Review</p> <p>7 Program have not been produced and would be</p> <p>8 responsive to specific requests by plaintiffs.</p> <p>9 I ask that that be produced.</p> <p>10 MR. FORTENBERRY:</p> <p>11 All right. If you'll give me a</p> <p>12 letter summarizing the various --</p> <p>13 MR. THOMPSON:</p> <p>14 I will.</p> <p>15 Q. Looking back at Exhibit 85, once you</p> <p>16 produced this document, does it then go back to</p> <p>17 the county for a response?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Who do you transmit the form to in</p> <p>20 the region or county?</p> <p>21 A. I send it to the Division Director</p> <p>22 who then sends it out to the region with a memo</p> <p>23 attached with his -- at this time I'm saying</p> <p>24 his -- with his signature or initials on it.</p> <p>25 And then it goes out to the regions.</p>
<p style="text-align: right;">Page 106</p> <p>1 some of the summary information at Exhibit 83 in</p> <p>2 terms of counties and issues?</p> <p>3 A. Yes, sir. Right here. On this</p> <p>4 document right here it breaks it down by county</p> <p>5 and by issue here.</p> <p>6 Q. And for the record you're referring</p> <p>7 to 85?</p> <p>8 A. Yeah. Exhibit 85. Yes, sir.</p> <p>9 Q. Is the information in Exhibit 85 in</p> <p>10 any way further aggregated by, for example,</p> <p>11 issue type in any form?</p> <p>12 A. We recently began breaking it down by</p> <p>13 issue. Not by county, but we did recently begin</p> <p>14 doing it by issue and by region in data form.</p> <p>15 Q. And is that a manual report --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- that your office produces?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And what do you call that report?</p> <p>20 A. Itemized Issues Observed.</p> <p>21 Q. And from that report, can one then</p> <p>22 determine the frequency of the lack of</p> <p>23 documented face-to-face contact in any given</p> <p>24 county or region?</p> <p>25 A. In region, yes, sir. MACWIS also</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And is a response then required?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And within how much time is a</p> <p>4 response required?</p> <p>5 A. 30 days.</p> <p>6 Q. And to whom is that response required</p> <p>7 to be submitted?</p> <p>8 A. The cover memo says they're to submit</p> <p>9 it back to the state office. They usually send</p> <p>10 it to both me and the Division Director.</p> <p>11 Q. As to any responses that are</p> <p>12 generated, do they eventually all come to your</p> <p>13 attention?</p> <p>14 A. The responses are kept on file in my</p> <p>15 office.</p> <p>16 Q. So whether they're actually submitted</p> <p>17 to the Division Director or some place else, you</p> <p>18 eventually get them all, correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Now, as to Exhibit 85, I don't see</p> <p>21 any county or regional staff response documented</p> <p>22 here. Do you in fact get responses on all cases</p> <p>23 flagged on these Summary Report issues in foster</p> <p>24 children's cases?</p> <p>25 A. I'm not sure I understand what you're</p>

Mechille Henry - 09/09/04

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y, By and
Through Her Next Friend,
James D. Johnson, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV25LN

HALEY BARBOUR, As Governor
Of the State of Mississippi;
DONALD TAYLOR, as Executive
Director of the Department of
Human Services; and BILLY MANGOLD,
As Director of the Division of
Children's Services

DEFENDANTS

DEPOSITION OF MECHILLE HENRY

Taken at the instance of the Plaintiffs at the
offices of Bradley Arant, LLP, One Jackson Place,
188 E. Capitol Street, Suite 450, Jackson,
Mississippi, on Thursday, September 9, 2004,
beginning at approximately 1:00 p.m.

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Page 4

1 MECHILLE HENRY,
2 having been first duly sworn, was examined and
3 testified as follows:
4 EXAMINATION BY MR. THOMPSON:
5 Q. Good afternoon, Ms. Henry. My name is
6 Eric Thompson. I am counsel with Children's Rights
7 and I represent the plaintiffs in the matter of
8 Olivia Y. et al. Do you understand that you're here
9 to give sworn testimony in that matter?
10 A. Yes.
11 Q. Ms. Henry, could you spell your first
12 name for the record, please?
13 A. M-E-C-H-I-L-L-E.
14 Q. Thank you. Ms. Henry, have you ever been
15 deposed before?
16 A. No.
17 Q. Just a couple of ground rules. I'll be
18 asking questions. If at any time my question is
19 unclear to you, I'll be happy to rephrase it. Just
20 let me know?
21 A. Okay.
22 Q. If at any time you need to take a break,
23 let me know and we will do that. That's it. We'll
24 just get started. Ms. Henry, what is your current
25 position?

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1 A. Regional director.
2 Q. And that's with?
3 A. The Department of Human Services Division
4 of Family and Children Services.
5 Q. And for what region are you the regional
6 director?
7 A. 6th North.
8 Q. That covers a number of counties,
9 correct?
10 A. Yes, ten.
11 Q. Ms. Henry, can you tell me what you did
12 to prepare for today's deposition?
13 A. I spoke with my attorney.
14 Q. How long did you speak with your
15 attorney?
16 A. Do you mean time wise?
17 Q. Yes?
18 MS. MALLET: Objection. I don't think
19 she has to reveal that.
20 Q. (By Mr. Thompson) I'm not inquiring into
21 the nature of the conversation, just how long?
22 MS. MALLET: I'm going to instruct her
23 not to answer.
24 Q. (By Mr. Thompson) How many times did you
25 have discussions with your attorney regarding

2 (Pages 2 to 5)

Mechille Henry - 09/09/04

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1 A. Not every case, no.
 2 Q. Have you done a sample of cases?
 3 A. Yes, I have.
 4 Q. And you've reviewed that specific
 5 compliance with that specific requirement?
 6 A. I've reviewed, you may as well say I have
 7 taken some cases and I have reviewed everything that
 8 is required in that particular, in a foster care
 9 case.
 10 Q. Which would include then your review of
 11 whether or not the child received the medical
 12 examination within seven days of entering custody?
 13 A. Right. I would look at the medical part.
 14 If it's not completed, then what I used to do would
 15 be to do a screen print of that particular tab or
 16 whatever you want to call it, screen. And
 17 basically, I would fax it or mail it to the
 18 supervisor and say that this information needs to be
 19 completed.
 20 Q. You say you used to do that. Do you no
 21 longer do that?
 22 A. When I say I used to, what I'm saying is
 23 that when I was required to go to court sometimes
 24 two days out of a week, and now I'm having to attend
 25 another court thing that's a half a day a week. I

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1 don't review as frequently, but I have been at work
 2 at 11 o'clock and midnight, a couple of weeks ago,
 3 2 a.m. and 5 a.m. in order to get some things done
 4 that needed to be done. So what I'm saying is I
 5 don't do them as a magnitude as I used to because of
 6 the time, well, the time consumption that I have.
 7 Q. Do you have any other D H S staff who
 8 function in a quality assurance role to review cases
 9 for compliance with policy and law?
 10 A. Our foster care reviewers.
 11 Q. And is there currently a foster care
 12 reviewer assigned to your county?
 13 A. Yes.
 14 Q. Is there more than one?
 15 A. There is. They cross regions, so you may
 16 have one only in your region. You may have two or
 17 three in your region.
 18 Q. And in your region, how many do you have?
 19 A. Approximately four.
 20 Q. And are they solely, those four solely
 21 responsible for cases within your region?
 22 A. They're responsible for, they may be
 23 responsible for some cases in another region, too,
 24 I'm not sure.
 25 Q. How many foster care cases do you have in

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1 your region?
 2 A. Probably at least 600.
 3 Q. How many investigations do you receive a
 4 year in your region?
 5 A. I don't know.
 6 Q. Well, do you ever review data as to that
 7 number?
 8 A. I more review the investigations
 9 themselves or the other components of it as opposed
 10 to the total number.
 11 Q. Well, do you think it would be relevant
 12 to know the total number in terms of whether or not
 13 your staff is in fact able to cover the number of
 14 cases that are coming in?
 15 A. That's more, I look at that more on a, as
 16 opposed to a annual total number or anything like
 17 that. I look at that more with staffing with my
 18 supervisors, or if I'm looking at the log for a
 19 month. You know, believe me, when it comes to
 20 staffing issues, my supervisors keep me well aware
 21 of when they need some staff, believe me, or when
 22 they are getting a lot of investigations, or if
 23 there are some, you know, they keep me aware of
 24 issues.
 25 Q. And how do they do that?

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1 A. Call me. And I see them.
 2 Q. Have you ever received any memos from
 3 your staff as to the staffing conditions and case
 4 loads?
 5 A. I've received one recently where they
 6 were requesting that if at all possible, they be
 7 able to hire another social worker. And I asked
 8 them did they have anyone that was interested. And
 9 they said that they did, so I forwarded the memo
 10 along with the application to my state office.
 11 Q. Have you ever communicated to your
 12 superiors the need in your region or any particular
 13 counties in your region for additional staff?
 14 A. Yes, I mean, we all, we tell them that we
 15 would like to have, I mean, that's ultimate, you
 16 would want to have more staff. You know, because if
 17 just, just be, say for instance, if you had an
 18 office where there were five people and people were
 19 working and they would want their jobs, you know,
 20 they would love to have five more people to come in
 21 and take some of the work.
 22 So yes, I mean, I have asked, you know,
 23 that we could get additional staff across the
 24 region, even for those counties where there is
 25 probably people with not a whole lot of work. That

30 (Pages 114 to 117)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., ET AL

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, ET AL

DEFENDANTS

DEPOSITION OF LINDA MILLSAPS

Taken at Bradley, Arant,
Rose & White,
Jackson, Mississippi, on
Thursday, June 2, 2005,
beginning at 12:50 p.m.

REPORTED BY:

ELISA M. MEDDERS, BCR, CSR #1670
State-Wide Reporters
4400 Old Canton Road
Suite 160(39211)
Post Office Box 14113
Jackson, Mississippi 39236
Telephone: (601) 366-9676
Fax: (601) 366-9756

1	APPEARANCES:	Page 2	1	STIPULATION	Page 4
2	ERIC E. THOMPSON, ESQUIRE		2	It is hereby stipulated and agreed by	
3	CORENE KENDRICK, ESQUIRE		3	and between the parties hereto, through their	
4	Children's Rights, Inc.		4	respective attorneys of record, that this	
5	404 Park Avenue South		5	deposition may be taken at the time and place	
6	New York, New York 10016		6	hereinbefore set forth, by Elisa M. Medders,	
7	Telephone: (212) 683-2210		7	Court Reporter and Notary Public, pursuant to	
8	Fax: (212) 683-4015		8	the Federal Rules of Civil Procedure, as	
9	ATTORNEYS FOR PLAINTIFFS		9	amended;	
10	BETTY A. MALLET, ESQUIRE		10	That the formality of READING AND	
11	RUSTY FORTENBERRY, ESQUIRE		11	SIGNING is specifically NOT WAIVED;	
12	McGlinchey Stafford, PLLC		12	That all objections, except as to the	
13	200 South Lamar Street		13	form of the questions and the responsiveness of	
14	Suite 1100		14	the answers, are reserved until such time as	
15	Jackson, Mississippi 39201		15	this deposition, or any part thereof, may be	
16	Telephone: (601) 960-8400		16	used or is sought to be used in evidence.	
17	Fax: (601) 960-8431		17	---	
18	ATTORNEYS FOR DEFENDANTS		18		
19			19		
20			20		
21			21		
22			22		
23			23		
24			24		
25			25		
1	T-A-B-L-E O-F C-O-N-T-E-N-T-S	Page 3	1	LINDA MILLSAPS	Page 5
2	Examination By:		2	having been first duly sworn, was	
3	Mr. Thompson..... 5		3	examined and testified, as follows:	
4	Exhibits:		4	EXAMINATION	
5	Exhibit 59, Individual Service Plan..... 19		5	BY MR. THOMPSON:	
6	Exhibit 60, Foster Care Review,		6	Q. Good afternoon.	
7	Summary Report..... 43		7	A. Okay.	
8	Stipulation..... 4		8	Q. My name is Eric Thompson. I'm an	
9	Certificate of Court Reporter..... 95		9	attorney for plaintiffs with Children's Rights	
10	Witness Signature Sheet..... 96		10	on the case Olivia Y. V. Barbour.	
11			11	Do you understand that you're here	
12			12	today to give testimony in that case?	
13			13	A. Yes, I understand.	
14			14	Q. Ms. Millsaps, could you tell me what	
15			15	your current position is with DFCS?	
16			16	A. Yes. I am a program administrator	
17			17	junior.	
18			18	Q. And with which unit?	
19			19	A. The adoption unit, Southern District.	
20			20	Q. The Southern District encompasses	
21			21	Regions 5 and 6, north and south; is that	
22			22	correct?	
23			23	A. That's correct.	
24			24	Q. Okay. And where is your office	
25			25	physically located?	

Page 6

1 A. In 4, Region 4, in Laurel.
 2 Q. I'm sorry. In Laurel?
 3 A. In Laurel, uh-huh.
 4 Q. And that's the Laurel county office?
 5 A. Exactly. Jones County.
 6 Q. Okay. And as a program administrator
 7 for the adoption unit, what are your job
 8 responsibilities?
 9 A. Okay. I am responsible for overseeing
 10 the children that's legally free for adoption in
 11 the Southern District; myself, along with the
 12 staff.
 13 Q. Any other job responsibilities?
 14 A. That's the main responsibility.
 15 Q. Does that include recruiting for
 16 adoptive families?
 17 A. It does.
 18 Q. Does it include doing home studies on
 19 potential adoptive families?
 20 A. Yes.
 21 Q. And, if you know, how many children
 22 are currently legally free in the Southern
 23 Region?
 24 A. Currently, we have approximately 200.
 25 Q. Do those children still have a

Page 8

1 A. Phoebe Clark.
 2 Q. How long have you had your position?
 3 A. I'm currently -- it's three years.
 4 I've been with the department longer, but in
 5 this position, I've been in it approximately
 6 three years.
 7 Q. And prior to this position, were you
 8 working in adoptions?
 9 A. Yes, I was. An adoption specialist.
 10 Q. As an adoption specialist?
 11 A. Uh-huh.
 12 Q. Also in the Southern Region?
 13 A. Exactly.
 14 Q. Since you've held your current
 15 position, have you always reported to
 16 Phoebe Clark?
 17 A. No, I haven't.
 18 Q. How long have you been reporting to
 19 Phoebe Clark for?
 20 A. Approximately two years.
 21 Q. So for the past two years, she has
 22 been the director of the adoption unit?
 23 A. Exactly.
 24 Q. The six adoption specialists that you
 25 currently supervise, do you have any other PIN

Page 7

1 caseworker assigned to them?
 2 A. Yes, they do.
 3 Q. And that's separate from the adoption
 4 staff, correct?
 5 A. It is.
 6 Q. Do the caseworkers continue to have
 7 all their regular duties to monitor the safety
 8 and services provided to those children that
 9 they are assigned to?
 10 A. Yes.
 11 Q. Do you have staff that you supervise?
 12 A. Yes, I do.
 13 Q. And what kind of staff do you
 14 supervise?
 15 A. Adoption workers, specialists.
 16 Q. Those are what are known as adoption
 17 specialists?
 18 A. Uh-huh, exactly.
 19 Q. How many do you have in the Southern
 20 Region?
 21 A. We currently have six.
 22 Q. And who do you report to directly?
 23 A. The program administrator senior in
 24 the state office.
 25 Q. And who is that?

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1 positions allocated for adoption specialists in
 2 the Southern Region?
 3 A. One.
 4 Q. One additional one?
 5 A. Uh-huh.
 6 Q. And that is a vacant position?
 7 A. It's vacant.
 8 Q. How long has that position been
 9 vacant?
 10 A. I'd say approximately a year.
 11 Q. Do you know if there are any current
 12 efforts to fill that position?
 13 A. Not to my knowledge.
 14 Q. Do you know why not?
 15 A. Not to my knowledge. I mean, I
 16 requested to fill the vacant PIN, and I was just
 17 told they're not gonna fill it right now.
 18 Q. And that's somebody in the state
 19 office who told you that?
 20 A. My supervisor.
 21 Q. What, specifically, are the
 22 responsibilities of the adoption specialists?
 23 A. They are responsible for locating a
 24 permanent home for the children that's legally
 25 free for adoption.

3 (Pages 6 to 9)

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1 Q. And you could cross-check that report
2 against the workload report that you receive
3 from MACWIS; is that correct?

4 A. Yes. I can. I can.

5 Q. And just to confirm, the workload
6 report you testified to earlier is also a MACWIS
7 report?

8 A. It is.

9 Q. And is that workload report generated
10 on a monthly or quarterly basis?

11 A. No, it's not.

12 Q. Is it an ad hoc report?

13 A. You mean -- explain -- what do you
14 mean by that?

15 Q. I guess what I'm asking is, is the
16 workload report generated on a periodic or
17 regular basis, or is it generated upon request?

18 A. I mean, it's reviewed on the screen
19 daily. I mean, just --

20 Q. I see. You can pull up the workload
21 report on the screen?

22 A. Yeah. Yeah.

23 Q. You don't have to request the state
24 office to send you a printout of the workload
25 report?

1 A. Yes, I do.

2 Q. And how often do you create this
3 report?

4 A. Quarterly.

5 Q. Do the adoption specialists have any
6 written policies that they can refer to
7 regarding the home study process?

8 A. Yes, they do.

9 Q. And where would those policies be?

10 A. They are located in the agency's
11 policy manual.

12 Q. Is there anyplace else besides the DHS
13 policy manual that would spell out criteria for
14 selecting an adoptive home for a child?

15 A. Yes. We have a concise guide that we
16 compiled, the administrators did. They'd have
17 that information to use.

18 Q. And this guide, does it have a name?

19 A. No, it doesn't.

20 Q. What is the subject matter of this
21 guide?

22 A. I don't understand what --

23 Q. You stated that there's a guide that's
24 been compiled by some of the administrators?

25 A. Like, it's -- it's just a notebook,

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1 A. No, I don't.

2 Q. Do you, in fact, print out the
3 workload report?

4 A. No, I don't.

5 Q. So you would have no paper copies of
6 this workload report?

7 A. No, I don't. Other than manually.

8 Q. I'm sorry?

9 A. Manually. I have a manual report.

10 Q. In other words, a report that's
11 created manually?

12 A. Exactly.

13 Q. And is that something you create?

14 A. Yes, I did.

15 Q. And what is on the manual report as
16 opposed to the MACWIS workload report?

17 A. Basically, the same information.

18 Q. And this manual report is something
19 that you maintain in your office?

20 A. I do.

21 Q. Do you maintain that in a separate
22 file?

23 A. Yes, I do.

24 Q. And do you create this workload report
25 on any specific periodic basis?

1 for example, if you -- like the home study -- it
2 has the home study process, what information to
3 put in the home study.

4 Q. And how is this guide maintained or
5 distributed to staff?

6 A. It's updated as needed, staff
7 meetings.

8 Q. Is this a guide that's then available
9 to the adoption specialists to consult?

10 A. Yes, it is.

11 Q. Okay. And do they each have a copy of
12 this guide?

13 A. They do.

14 Q. And does the guide principally, then,
15 address the process and criteria for selecting
16 an adoptive home?

17 A. No, it doesn't.

18 Q. What does it principally address?

19 A. Just the assessment, the home study
20 assessment itself, the child evaluation of the
21 child.

22 Q. Would it be fair to characterize this
23 as an adoption specialist's guide?

24 A. Just a guide. I mean --

25 Q. Is it a guide that's designed to

14 (Pages 50 to 53)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al. PLAINTIFFS,

VS. CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, et al. DEFENDANTS.

30(b)(6) DEPOSITION OF NANCY MEADORS

Taken at the offices of Bradley, Arant, Rose & White, LLP,
on Tuesday, May 16, 2005, beginning at 8:40 A.M.

REPORTED BY:

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 ERIC E. THOMPSON, ESQUIRE</p> <p>4 TARA S. CREAM, ESQUIRE</p> <p>5 Children's Rights</p> <p>6 404 Park Avenue South</p> <p>7 New York, New York 10016</p> <p>8 Telephone: 212.683.2210</p> <p>9 Fax: 212.683.4015</p> <p>10 ATTORNEYS FOR PLAINTIFFS</p> <p>11</p> <p>12 BETTY A. MALLET, ESQUIRE</p> <p>13 McGlinchey Stafford, PLLC</p> <p>14 Skytel Centre South, Suite 1100</p> <p>15 200 South Lamar Street</p> <p>16 Jackson, Mississippi 39201</p> <p>17 Telephone: 601.960.8424</p> <p>18 Fax: 601.960.8431</p> <p>19 ATTORNEY FOR DEFENDANTS</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by and between the</p> <p>3 parties hereto, through their respective attorneys of record,</p> <p>4 that this deposition may be taken at the time and place</p> <p>5 hereinbefore set forth, by Rebecca A. Kidder, Court Reporter and</p> <p>6 Notary Public, pursuant to the Mississippi Rules of Civil</p> <p>7 Procedure, as amended;</p> <p>8 That the formality of READING AND SIGNING is</p> <p>9 specifically NOT WAIVED;</p> <p>10 That all objections, except as to the form of the</p> <p>11 questions and the responsiveness of the answers, are reserved</p> <p>12 until such time as this deposition, or any part thereof, may be</p> <p>13 used or is sought to be used in evidence.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1 T-A-B-L-E O-F C-O-N-T-E-N-T-S</p> <p>2 Examination By: Page</p> <p>3 MR. THOMPSON 5</p> <p>4 Exhibits:</p> <p>5 43: excerpt w/ case reporting requirements 12</p> <p>6 44: direct service primary clients by region 72</p> <p>7 45: direct service cases 73</p> <p>8 46: outcomes for the direct service of placement 77</p> <p>9 47: MACWIS report regarding missing placement 78</p> <p>10 48: MACWIS report regarding dormant cases 79</p> <p>11 49: MACWIS report regarding child abuse</p> <p>12 and neglect intake report 80</p> <p>13 50: MACWIS report regarding child</p> <p>14 investigation timeliness 81</p> <p>15 51: MACWIS report regarding the number of</p> <p>16 children in placements by placement type 82</p> <p>17 52: MACWIS report regarding the number of</p> <p>18 court ordered TPR requests 85</p> <p>19 53: MACWIS report regarding the number of</p> <p>20 children free for adoption 86</p> <p>21 54: MACWIS report regarding the number of</p> <p>22 children's adoptions finalized 87</p> <p>23 Stipulation 4</p> <p>24 Certificate of Court Reporter 90</p> <p>25 Witness Signature Sheet 91</p>	<p>Page 5</p> <p>1 NANCY MEADORS</p> <p>2 having been first duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 MR. THOMPSON:</p> <p>7 Q. Good morning, Ms. Meadors. My name is Eric</p> <p>8 Thompson. This is Tara Cream. We both represent plaintiffs in</p> <p>9 the action of Olivia Y. v Barbour. Do you understand that</p> <p>10 you're here to give us sworn testimony in that matter?</p> <p>11 THE WITNESS:</p> <p>12 A. Yes.</p> <p>13 Q. Thank you. Ms. Meadors, what's your current</p> <p>14 position with DHS?</p> <p>15 A. I'm a project officer for Special.</p> <p>16 Q. And that's with the Division of Youth and Family</p> <p>17 Services?</p> <p>18 A. Family and Children services.</p> <p>19 Q. I'm going to show you what's been previously</p> <p>20 marked Exhibit 34 which is an organizational chart beginning</p> <p>21 with the state office. Is that your position down at the</p> <p>22 bottom: 'Project Officer for Special?'</p> <p>23 A. Yes.</p> <p>24 Q. And that's under the director of administration;</p> <p>25 is that correct?</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>

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1 would fill out?
 2 A. Yes.
 3 Q. Is a case worker able to make entries on a
 4 child's MACWIS case record without being the assigned case
 5 worker identified in the system?
 6 A. They could add a narrative to the case.
 7 Q. Are they able to make any sort of any other data
 8 entries that are required of the ongoing case worker? Let me
 9 ask you a specific example. Would someone, other than the
 10 assigned case worker, be able to input updated information as to
 11 the child's placement, for example?
 12 A. No.
 13 Q. It would have to be the assigned case worker or
 14 the supervisor?
 15 A. Yes.
 16 Q. So a social work aid or SWA could not make those
 17 types of entries; correct?
 18 A. No.
 19 Q. Likewise, for a homemaker for example?
 20 A. No.
 21 Q. Both a homemaker and a SWA could make narrative
 22 entries in the case then?
 23 A. Yes.
 24 Q. In light of that, do you know how case recording
 25 is occurring in counties where there are no full-time case
 STATE-WIDE REPORTERS (228) 432-0770

1 A. They could be proxy. If there's a worker
 2 in the county, they can be proxy for that worker.
 3 Q. Can you explain what you mean by proxy?
 4 A. The supervisor and regional director have to make
 5 a request to the state office, to Ms. Saulters, for any proxy's
 6 that are put in the system. She decides, Ms. Saulters decides
 7 if it's a valid request. If it is, she enters the proxy
 8 information into the system which allows another worker to login
 9 as a proxy for the worker in the county and they have access to
 10 that worker's work load and can do work on the cases just like
 11 the case worker.
 12 Q. Are these requests for proxies made through the
 13 MACWIS system, or --
 14 A. No; paper.
 15 Q. -- is this a written request?
 16 A. Yes.
 17 Q. When a child is placed in a different county than
 18 the original county's responsibility, the county and the county
 19 office that has the child placed in their county is then
 20 responsible for certain ongoing services for the child; is that
 21 correct?
 22 A. Yes.
 23 Q. Hence the designation county of service?
 24 A. Yes.
 25 Q. Is a case worker in the county of service somehow
 STATE-WIDE REPORTERS (228) 432-0770

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1 workers assigned?
 2 MS. LOWRY:
 3 I'm going to object to that.
 4 THE WITNESS:
 5 A. If there is no social worker working in the
 6 county that's assigned to the county then the regional director
 7 for that county would have another social worker from another
 8 county to fill in until a social worker was hired.
 9 MR. THOMPSON:
 10 Q. In terms of MACWIS case recording, a covering
 11 social worker would need to be formally designated then as the
 12 assigned case worker that; is that correct?
 13 A. Yes.
 14 Q. Otherwise they could make any of these MACWIS
 15 entries besides narrative; is that correct?
 16 A. Right.
 17 Q. Are you aware that staff had been detailed from
 18 the state office to counties such as Forrest County for certain
 19 periods of time to assist with casework tasks there?
 20 A. Yes.
 21 Q. Would it be the same thing for those social
 22 workers regarding their ability during the time of their
 23 detailing to a county office such as Forrest County that they
 24 would need to be designated in MACWIS as the assigned case
 25 worker for cases on which they were covering?
 STATE-WIDE REPORTERS (228) 432-0770

1 assigned to that child?
 2 A. Yes.
 3 Q. Is that assignment also reflected in MACWIS?
 4 A. Yes. It's on the assigned transfer screen.
 5 Q. So the system allows for two case workers to be
 6 assigned at the same time to the child; is that correct?
 7 A. Yes.
 8 Q. Does the system reflect or distinguish between a
 9 county of responsibility case worker or a county of service case
 10 worker?
 11 A. Yes.
 12 Q. So one would be able to look up the assigned
 13 transfer screen?
 14 A. Yes.
 15 Q. And both workers would show up?
 16 A. Yes.
 17 Q. And from the screen one would be able to tell who
 18 was the social worker from the county of responsibility and who
 19 is the one from the county of service?
 20 A. Yes.
 21 Q. As you understand it, they both have different
 22 responsibilities at that point?
 23 A. Yes.
 24 Q. So once a case worker is assigned in the county
 25 of service they then have the same abilities to update and
 STATE-WIDE REPORTERS (228) 432-0770

13 (Pages 46 to 49)

Kathy Triplett.061405.txt

Kathy Triplett, 6/14/05

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 JACKSON DIVISION

4 OLIVIA Y., ET AL.,

5 PLAINTIFFS

6 vs.

NO. 3:04CV251LN

7 HALEY BARBOUR, AS GOVERNOR OF
8 THE STATE OF MISSISSIPPI, ET
AL.,

9 DEFENDANTS

10 DEPOSITION OF MS. KATHY TRIPLETT

11 Taken by the Plaintiffs at the offices of Bradley
12 Arant Rose & White located in Jackson, Mississippi
beginning at 10:00 a.m. on Tuesday, June 14, 2005.

13
14 APPEARANCES:

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1 MS. KATHY TRIPLETT,
2 having first been duly sworn, was examined
3 and testified as follows, to wit:

4 EXAMINATION BY MR. THOMPSON:
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5 Q. Good morning, Ms. Triplett.

6 A. Good morning.

7 MR. THOMPSON: Let me get this marked as
8 Exhibit 61.

9 (EXHIBIT NO. 61 WAS MARKED FOR THE RECORD.)

10 Q. (By Mr. Thompson) Let me show you what's been
11 marked Exhibit 61, which is the 30(b)(6) Notice of
12 Deposition to DHS. If you will, turn to Exhibit A of
13 that Notice. Do you understand that you're here today
14 to give sworn testimony in the matter of Olivia Y. v.
15 Barbour?

16 A. Yes, I do.

17 Q. And do you understand that you've been
18 designated to testify to the matters in Exhibit A of
19 this Notice?

20 A. Yes, I do.

21 Q. Do you, in fact, have knowledge as to the
22 matters listed in Exhibit A of the Notice?

23 A. Yes, I do have some knowledge.

24 Q. Ms. Triplett, are you still the Division
25 Director for the Protection Unit?

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1 A. Yes, I am.

2 MR. FORTENBERRY: Just for the record,
3 we're reserving objections, except as to the
4 form of questions?

5 MR. THOMPSON: Yes, thank you.

6 MR. FORTENBERRY: I was just making sure.

7 Q. (By Mr. Thompson) Ms. Triplett, you're
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8 familiar with the policies of DHS regarding -- are you
9 familiar with the policies of DHS regarding the
10 investigation of abuse and neglect of --

11 A. Yes.

12 Q. -- children in foster care custody?

13 A. Yes.

14 MR. FORTENBERRY: Let me have this marked
15 as Exhibit 62.

16 (EXHIBIT NO. 62 WAS MARKED FOR THE RECORD.)

17 Q. (By Mr. Thompson) Let me show you what has
18 been marked as Exhibit 62. Do you recognize this to be
19 various excerpts from the DHS policy manual?

20 A. Yes.

21 Q. Just for the record, we're looking at Bates
22 DHS 00096 through 00145. If you will turn to the first
23 page regarding mandated reporters, would DHS social
24 workers be considered mandated reporters under this
25 definition?

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1 A. Yes.

2 Q. So, if a social worker became aware of any
3 reports or concerns regarding suspicions of abuse and
4 neglect of a child in DHS custody, would they be
5 mandated to make some report of that to the agency?

6 A. Yes.

7 Q. And would you, in fact, expect a social
8 worker with DHS to make a written report to that
9 effect?

10 A. Well, in accordance with the policy,

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3 that?

4 A. Yes, I do.

5 Q. In Mississippi, would that be a county, a
6 county district attorney, if you know?

7 A. It would be one of the district attorneys
8 with their judicial districts that are set up. I don't
9 know if they're referred to as county district
10 attorneys or not.

11 Q. Number five is a requirement to advise the
12 youth court; is that right?

13 A. Yes, uh-huh.

14 Q. And that would certainly apply to an
15 allegation regarding a child in DHS custody?

16 A. Yes.

17 Q. Let's skip to Bates 100. Again, as I
18 understand it, there are some provisions for lesser
19 allegations and your understanding would be that these
20 requirements would apply regardless of whether the
21 child is in DHS custody or not, correct?

22 A. I'm sorry. Which requirements?

23 Q. Up at the top, as I understand it, these are
24 provisions for lesser allegations and they are
25 requirement numbers one through three. You see that?

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1 A. Yes, yes, that is true.

2 Q. And so, just to be clear for the record, you
3 would agree that those requirements apply whether the
4 child is in DHS custody or not, correct?

5 A. Correct.

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6 Q. Now, when we're talking about the
7 requirements that the report would be documented,
8 currently that means documentation in MACWIS; is that
9 correct?

10 A. Yes.

11 Q. Historically, that would include some paper
12 documentation prior to the implementation of MACWIS?

13 A. Yes.

14 Q. Are you aware of any paper documentation that
15 is still required now that MACWIS has been implemented
16 regarding the reporting of suspected child abuse and
17 neglect?

18 A. For whom?

19 Q. For children in DHS custody, for example?

20 A. I mean, by staff or --

21 Q. Well, let's start with that, by staff.

22 A. I'm not aware. I can't think of anything
23 that's required.

24 Q. Is it fair to say, though, that for third
25 parties who are reporting child abuse and neglect that

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1 may come in to DHS in a written form?

2 A. Yes, it could.

3 Q. Whether it's some correspondence or
4 facsimile, for example?

5 A. Yes.

6 Q. And if there is such a report, though, you
7 would -- or the policies that that report be reflected
8 in the MACWIS system, as well?

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A. Yes, yes.
10 Q. Are you aware of any reports ever coming in
11 through DHS's website?
12 A. Yes.
13 Q. Would those be reports -- what format do
14 those reports come in? Is it e-mails?
15 A. Yes.
16 Q. Exclusively e-mail, is that how it's received
17 through the website?
18 A. I've never seen any -- I've only seen reports
19 that have come in through e-mails, through the website.
20 Q. My understanding is that the county and
21 regional staff does not have access to e-mail
22 currently; is that correct?
23 A. That's correct.
24 Q. Where would that --
25 A. Let me clarify that. It could be happening

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1 as we speak. I don't know. Because it's my
2 understanding that is being worked on currently. So,
3 to my knowledge, they still don't.
4 Q. Are you aware of where this e-mail -- who
5 would be receiving this e-mail on behalf of DHS?
6 A. When I have received reports that have been
7 passed on, they have come to me through the Management
8 Information Systems Division. That's the only way that
9 I know of those. So, I would think that that's the way
10 that all of them come in, but I don't know that. I
11 just know how I receive them when I receive them.

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12 Q. Are you the person who is designated to
13 receive those?

14 A. I have -- there is nothing that is
15 established to say that I am the person designated to
16 receive those within the office, but I have received
17 them when e-mails are often given to someone else and
18 said -- referred to someone and say do you handle this?
19 I've received them in that manner.

20 Q. Let me just make sure I understand. You said
21 the Management Information Systems function is where
22 the e-mails first come in?

23 A. Well, I'm saying that's where I've received
24 them. I don't know if that's where all of them come
25 in. The only knowledge that I have of the e-mails that

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1 have reports of abuse and neglect are reports that I
2 have personally seen and I have received from
3 Management Information Systems.

4 Q. And I'm sorry. Who's in charge of Management
5 Information Systems?

6 A. I believe his name is Bud Douglas. I'm not
7 really sure of his name. I believe he's the division
8 director for that.

9 Q. Is that a separate division within DHS?

10 A. Yes.

11 Q. It's not part of Children Family Services?

12 A. No.

13 Q. And do you get those e-mails forwarded to you
14 by e-mail?

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15 A. Yes.

16 Q. What do you do with them when you get them?

17 A. I then pass them on to our hotline and we
18 ensure that they are entered into the system if we have
19 enough information. Sometimes we contact the center
20 again for additional information.

21 Q. So, the expectation is that these will be
22 treated just as a hotline call would in terms of the
23 information that's contained therein?

24 A. Yes. If it is a report of abuse and neglect,
25 yes.

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1 Q. What is the role of the hotline once they do
2 receive a report of abuse and neglect?

3 A. They will, at some point, enter that
4 information into the system, whether they need to seek
5 additional information first or if they have enough
6 information to enter it at that time. They then call
7 the -- our practice is to contact the county to notify
8 someone in the county office that a report has been
9 entered into MACWIS. If the system is down, we would
10 fax the information.

11 Q. Now if we're talking just about children in
12 DHS custody, they already have a MACWIS file, correct?

13 A. Of the children in custody?

14 Q. Yes.

15 A. Yes.

16 Q. In other words, they have a case record
17 that's opened on MACWIS?

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18 A. Yes.

19 Q. And is that where the hotline intake report
20 would be entered?

21 A. No. The reports, if a report of a child in
22 custody is entered by the hotline, it would still -- it
23 would be entered as a report of abuse and neglect. It
24 would go, if I'm not mistaken -- it doesn't go into the
25 child's file. If I'm not mistaken, somehow the

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1 regional directors are able to see those reports if I'm
2 not mistaken. I'm not really sure of how that happens
3 or how they see that, but it's not entered into the
4 child's case. It is attached to the child's name.

5 Q. My understanding is that we have another
6 witness later on today who is going to address MACWIS
7 issues specifically, but as I understand it, you don't
8 know exactly how this information is entered, whether
9 it's directly into the child's MACWIS case record or
10 not; is that correct?

11 A. That's correct.

12 Q. What about the county or regional level when
13 a social worker is entering information about a report
14 of suspected abuse and neglect? Where does that get
15 entered?

16 A. As far as being entered into the system?

17 Q. Yes.

18 A. Any report of abuse and neglect would be
19 expected to be entered into the system. Exactly how it
20 would happen in each county office, I don't know.

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23 Q. (By Mr. Thompson) Now under agency employees
24 at No. 2, there's a note that the regional director
25 determines the need for a social worker from outside

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1 the county to investigate. You see that?

2 A. Yes.

3 Q. Is that, in fact, the practice within DHS for
4 special investigations?

5 A. It's my understanding that that is the
6 practice.

7 Q. As to agency homes, the section that follows,
8 are these the kinds of investigations that are now
9 labeled resource reports?

10 A. Yes.

11 Q. If you turn to page 132 at No. 4 where it
12 indicates that Family and Children's Services staff
13 will notify the Protection Unit upon receiving a report
14 that involves allegations of child abuse or neglect
15 within the following listed facilities. Do social
16 workers, in fact, directly notify the Protection Unit
17 of such allegations?

18 A. Not just social workers. Many times I'm
19 notified or we're notified by the regional directors or
20 Area Social Work Supervisors.

21 Q. But this requirement that the social work
22 staff notify you directly, is that, in fact, the
23 practice?

24 A. Yes, that is the practice.

25 Q. And how do you get notified?